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82d Congress }  
2d Session }

COMMITTEE PRINT

HEARINGS  
BEFORE THE  
PRESIDENT'S COMMISSION  
ON  
IMMIGRATION AND NATURALIZATION



SEPTEMBER 30, OCTOBER 1, 2, 6, 7, 8, 9, 10,  
11, 14, 15, 17, 27, 28, 29, 1952

Printed for the use of the Committee on the Judiciary

HOUSE OF REPRESENTATIVES



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UNITED STATES  
GOVERNMENT PRINTING OFFICE



## REPLY TO REQUEST

PRESIDENT'S COMMISSION ON  
IMMIGRATION AND NATURALIZATION,  
EXECUTIVE OFFICE,  
*Washington, October 27, 1952.*

HON. EMANUEL CELLER,  
*House of Representatives,*  
*Washington, D. C.*

DEAR CONGRESSMAN CELLER: Pursuant to the request in your letter of October 23, 1952, we shall be happy to make available to you a copy of the transcript of the hearings held by this Commission. We shall transmit the record to you as soon as the notes are transcribed.

The Commission held 30 sessions of hearings in 11 cities scattered across the entire country. These hearings were scheduled as a means of obtaining some appraisal of representative and responsible views on this subject. The Commission was amazed, and pleased, at the enormous and active interest of the American people in the subject of immigration and naturalization policy.

Every effort was made to obtain the opinions of all people who might have something to contribute to the Commission's consideration. All shades of opinion and points of views were sought and heard. The response was very heavy, and the record will include the testimony and statements of some 600 persons and organizations.

This record, we believe, includes some very valuable information, a goodly proportion of which has not hitherto been available in discussions of immigration and naturalization. It is of great help to the Commission in performing its duties. We hope that this material will be useful to your committee, to the Congress, and to the country.

Sincerely yours,

PHILIP B. PERLMAN, *Chairman.*



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# HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

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TUESDAY, SEPTEMBER 30, 1952

FIRST SESSION

NEW YORK, N. Y.

The President's Commission on Immigration and Naturalization met at 9:40 a. m., pursuant to call, in room 1506, Admiralty Court, Federal Courthouse Building, Foley Square, New York City, N. Y., Hon. Philip B. Perlman, chairman, presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Mr. Earl G. Harrison, Vice Chairman, Msgr. John O'Grady, Dr. Clarence E. Pickett, Mr. Thomas G. Finucane.

Also present: Mr. Harry N. Rosenfield, executive director.

Chairman PERLMAN. The Commission will be in order.

Ladies and gentlemen, we are about to hold the first hearing before this Commission appointed by the President of the United States to study and evaluate the immigration and naturalization policies of the United States and to recommend policies for the Government relating to immigration and naturalization.

The last Congress devoted a great deal of time and effort to this subject and enacted a bill which was vetoed by the President because, as he stated in his veto message, he did not think that its provisions established a policy adequate to meet the present world conditions. The bill, which is known as Public Law 414, was passed over the Presidential veto and subsequently the President established a Commission, its purpose to make a new study of the subject and to make a written report to him by January 1, 1953.

We will insert in the record at this point the statement concerning the establishment of the Commission, issued by the President on September 4, 1952, and also Executive Order 10392, establishing this Commission, and issued on the same date.

STATEMENT BY THE PRESIDENT

SEPTEMBER 4, 1952.

I have today established a special Commission on Immigration and Naturalization, to study and evaluate the immigration and naturalization policies of the United States.

Our immigration and naturalization policies are of major importance to our own security and to the defense of the free world. Immediately after the war ended, we recognized the plight of the displaced persons; we acted to cooperate with other nations and to admit a share of these victims of war and tyranny into our own country. The displaced persons program has now been successfully concluded, but the free world faces equally grave and equally heart-rending

problems in the continual stream of refugees and escapees from the iron curtain countries into Western Europe. These people add to the pressures of overpopulation in certain countries. Overseas migration from Europe has been dammed up by years of war and international economic disorder. While we have joined with other nations to meet such problems as these, our own immigration laws based on conditions and assumptions that have long ceased to exist, present serious obstacles in reaching a satisfactory solution.

Humanitarian considerations, as well as the national interest, require that we reassess our immigration policies in the light of these facts. The United States must remain true to its great traditions and have an immigration policy that strengthens our Nation at home and furthers our world leadership.

The Eighty-second Congress devoted much time and effort to this problem, but the bill which it passed was so defective in many important provisions that I could not give it my approval. In my veto message, I expressed the hope that the Congress would agree to a careful reexamination of the entire matter. I suggested that the Congress create a representative commission of outstanding Americans to make a study of the basic assumptions of our immigration policy, the quota system and all that goes into it, the effect of our immigration and nationality laws, and the ways in which they can be brought into line with our national ideals and our foreign policy. The Congress did not act upon these suggestions.

I do not believe that the matter should remain where the Congress left it. The problems of immigration policy grow more pressing, and the inequities fostered by the new law require careful examination. I am, therefore, appointing this Commission in the belief that its recommendations will enable the next Congress to consider the subject promptly and intelligently. This Commission will have the benefit of much information already drawn together in the field of immigration, including that developed by the committees of Congress in their long study of the problem. It should, therefore, be in a position to complete its study before the reconvening of the next Congress.

I have directed the Commission to give particular consideration to:

(a) The requirements and administration of our immigration laws with respect to the admission, naturalization, and denaturalization of aliens, and their exclusion and deportation;

(b) The admission of immigrants into this country in the light of our present and prospective economic and social conditions and of other pertinent considerations; and

(c) The effect of our immigration laws, and their administration, including the national origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of Western Europe and the serious refugee and escapee problems in such areas.

The members of the Commission are as follows:

Philip B. Perlman, of Maryland, Chairman (formerly Solicitor General of the United States, formerly city solicitor of Baltimore, secretary of the State of Maryland, assistant attorney general of Maryland)

Earl G. Harrison, of Pennsylvania, Vice Chairman (attorney, formerly United States Commissioner of Immigration and Naturalization, and formerly dean of the Law School of the University of Pennsylvania)

Msgr. John O'Grady, of Washington, D. C. (secretary, National Conference of Catholic Charities)

Rev. Thaddens F. Gullixson, of Minnesota (president, Lutheran Theological Seminary of St. Paul, Minn.; chairman, Minnesota State Displaced Persons Commission)

Clarence E. Pickett, of Pennsylvania (honorary secretary, American Friends Service Committee)

Adrian S. Fisher, of Tennessee (legal adviser to State Department, formerly general counsel of Atomic Energy Commission and Solicitor of the Department of Commerce)

Thomas C. Finucane, of Maryland (Chairman, Board of Immigration Appeals, Department of Justice)

EXECUTIVE ORDER 10392 ESTABLISHING THE PRESIDENT'S COMMISSION ON  
IMMIGRATION AND NATURALIZATION

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SEC. 1. There is hereby established in the Executive Office of the President a commission to be known as the President's Commission on Immigration and Naturalization, which shall be composed of a Chairman, a Vice Chairman, and five other members, all of whom shall be designated by the President.

SEC. 2. The Commission is authorized and directed to make a survey and evaluation of the immigration and naturalization policies of the United States, and shall make recommendations to the President for such legislative, administrative, or other action as in its opinion may be desirable in the interest of the economy, security, and responsibilities of this country. The Commission shall give particular consideration to:

(a) The requirements and administration of our immigration laws with respect to the admission, naturalization and denaturalization of aliens, and their exclusion and deportation;

(b) The admission of immigrants into this country in the light of our present and prospective economic and social conditions and of other pertinent considerations; and

(c) The effect of our immigration laws and their administration, including the national origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of western Europe and the serious refugee and escapee problems in such areas.

SEC. 3. In performing its functions under this order the Commission may prescribe such rules of procedure, and may hold such public hearings and hear such witnesses as it may deem appropriate.

SEC. 4. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such assistance, not inconsistent with law, as it may require in the performance of its functions.

SEC. 5. The expenditures of the Commission shall be paid out of an allotment made by the President from the appropriation entitled "Emergency Fund for the President—National Defense" in title I of the Independent Offices Appropriation Act, 1953 (Public Law 455, 82d Cong.), approved July 5, 1952. Such payments shall be made without regard to the provisions of (a) section 3681 of the Revised Statutes (31 U. S. C. 672), (b) section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 673), and (c) such other laws as the President may hereafter specify. The members of the Commission shall receive such compensation and expense allowances, payable out of the said allotment, as the President shall hereafter fix, except that no compensation shall be so fixed with respect to any person while receiving other compensation from the United States.

SEC. 6. The Commission shall make a final written report to the President not later than January 1, 1953, including its recommendations for legislative, administrative or other action. The Commission may also make such earlier reports to the President as it may deem appropriate. The Commission shall cease to exist 30 days after rendition of its final report to the President.

HARRY S. TRUMAN.

THE WHITE HOUSE,  
*September 4, 1952.*

The CHAIRMAN. We are here today because the Commission is seeking guidance from individuals and from organizations who are especially interested in the subject matter dealt with in the Executive order establishing this Commission. A number of persons either as individuals or as representatives of organizations have indicated a desire to appear before the Commission and to submit information which they believe will help guide the Commission in making its report to the President when its work is completed.

The representative of the World Council of Churches, Dr. Edgar Chandler, will be our first witness. Dr. Chandler, I shall appreciate it if you will give us the benefit of your views on this subject matter.

STATEMENT OF DR. EDGAR H. S. CHANDLER, DIRECTOR OF FIELD OPERATIONS FOR THE REFUGEE SERVICE FOR THE WORLD COUNCIL OF CHURCHES

Dr. CHANDLER. My name is Edgar H. S. Chandler, and I am director of field operations for the refugee service for the World Council of Churches, the headquarters of which are in Geneva, Switzerland.

The CHAIRMAN. Will you tell us something about the organization you represent, the World Council of Churches, and of what it consists?

Dr. CHANDLER. The World Council of Churches, the Department of Inter-Church Service to Refugees is made up of the Protestant and Orthodox churches of the world—some 160 denominations in every country. In its service to refugees it is concerned with a welfare program distributing food and clothing, medicine, and institutional care among refugees and uprooted people and carrying on resettlement of people in areas in Europe to all countries over the past years and as far as we can see into the future.

The CHAIRMAN. Could you give us an idea approximately of how many churches are in this federation?

Dr. CHANDLER. There are 160 major denominations, including all the major denominations in the United States—all the Protestants and orthodox churches.

The CHAIRMAN. They are members of the council?

Dr. CHANDLER. That is right.

Mr. Chairman, I account it a real privilege to start off this series which apparently are to be quite impressive and exhaustive on this subject which is of very vital interest to every American and certainly to every humanitarian.

You will pardon me if I approach the subject, naturally, from the point of view of one who is in daily contact with centers of surplus population, particular refugee populations, throughout the world. My point of view is colored, of course, by daily contact with people who, as an American in the first place, I feel would make excellent additions to our own citizenry and in the second place, as one representing a religious and humanitarian organization, people who are in desperate need of just the hope which increased opportunities for resettlement in a country like the United States would bring.

I must report that having arrived from this situation just 2 days ago and having traveled in the last year to all the concentrated areas of refugee populations in the Far East, Middle East, as well as in Europe, I am terribly concerned that the present outlook and psychology of many of these people is at an all-time low. One of the reasons for the sense of pessimism and almost hopelessness among many of them is the whole series of closed doors, beginning with the almost complete closing of our own, which has been followed by the almost complete closing of doors in Canada and Australia. This means that the three major outlets for surplus populations and for refugees, at the very time when the need of these people in concentrated areas of population, and the need of these people who have lost their homes is at its greatest, are blocked.

I feel at a time when we have a program, for which we are very grateful, inaugurated by the United States Government and put in operation by the President, called the escapee program, and we are

able to go to refugees and say that the United States Government is interested in your plight, that we will provide facilities to improve your housing and your welfare conditions in the countries to which you have fled, and we will even pay your transportation costs to the countries of resettlement—but we will accept none of you in the United States—I feel, sir, as an American, this not only puts us personally in a very embarrassing position but it has had a decidedly unfavorable effect even toward our Government at a time when this very program is designed, and rightly designed, to improve attitudes toward us and toward our Government and to improve the whole psychological climate of those people who for the most part are uprooted and for the most part are committed to the very ideals for which we as a people stand.

I am convinced, sir, that among the remaining displaced persons, 250,000 or so, there are still large numbers of those who would make desirable resettlers in this country. In fact, among them are some of the best potential immigrants who because of some temporary physical condition or some family situation or simply because of the crowding of the pipeline are unable to enter the United States under the original program.

In addition to that, I feel we have a very vital and real responsibility for those who not only since 1949 but last night and ever since the end of the war have been escaping over the borders very largely because they prefer the ideals which our country stands for rather than the ideals prevalent in the countries where they were. When you see the degree of sacrifice and even the suffering which many of these people are going through now as they escape over the borders and realize they are coming into situations where they know perfectly well there are families who have been enduring that suffering for 4, 5, or 6 years you can understand the degree of commitment to their ideals.

I would hope, therefore, sir, that in considering any changes in present legislation or any new legislation that our Government might take the broadest possible view toward providing immigration opportunities, after due security screening and careful selection, for people in this category of refugees.

I would also hope that our Government might use the broadest possible category in describing a refugee. I would hope that arbitrary date lines and arbitrary geographical definitions might be eliminated or at least minimized; that uprooted people, regardless of whether they happen to be of the same ethnic origin of the country from which they come or whether they may even be within their own country but dislocated by internal revolution, might be provided for under any new act.

From the point of view of the World Council of Churches, I would like to advocate that our interests are not confined to our particular faith or profession. We are interested in people in terms of their needs and we are interested in people whom we feel would make good citizens in the freedom-loving countries of the world.

Now, I would like to say in conclusion just two things: (1) we are very much concerned, dealing as we have been in the last 2 months with the Government of Canada and the South American countries and of Australia, to find that the attitude of our own Government has a tremendous effect upon the attitudes of these other governments, and although within the last few months we have been able to open the

doors just a crack in some of these other countries, I think there is nothing that would give more impetus and new life to the whole program of immigration than a broadening of immigration possibilities in our own country.

Finally, sir, I would like to say that all day yesterday we met with the leaders of churches from all over the United States, leaders who are responsible for bringing in at least 100,000 persons on assurances provided by them under the provisions of the Displaced Persons Act. These are the persons who have personally received these immigrants. They are the people who had to take the responsibility when there were breakdowns in the cases. I am conscious that sometimes we sent difficult cases from overseas for these people to deal with, but I want to tell you, sir, that all of us were moved and impressed by the fact that this representative group of responsible people were not only willing but were enthusiastic about the possibilities of having further opportunities to resettle such people in our country. In spite of all the difficulties and the negative cases which could be presented, the overwhelming feeling was one of gratitude that there has been the opportunity of getting this kind of citizen into our country through the displaced persons legislation over the past 3 years.

Finally, sir, I hope this Commission will be able to make recommendations which will enable us as Americans and as lovers of humanity to hold our heads up and to glory in the fact that our country has given this effort, from the point of view of its own self-interest and from the point of view of its humanitarian concern, and from the point of view of its leadership among the world of freedom-loving people, that will bring an immigration policy that will bring new hope and new life not only to those who actually may come to this country, but to the whole group of uprooted and needy people throughout the world.

The CHAIRMAN. Thank you very much. Have you a prepared statement?

Dr. CHANDLER. No, but I will have one for you before I leave the city.

(The prepared statement referred to, consisting of three separate documents, follows:)

STATEMENT OF DR. EDGAR H. S. CHANDLER, DIRECTOR OF FIELD OPERATIONS FOR THE REFUGEE SERVICE FOR THE WORLD COUNCIL OF CHURCHES

I. STATEMENT BY THE STANDING CONFERENCE OF VOLUNTARY AGENCIES WORKING FOR REFUGEES, SUBMITTED AT UNITED NATIONS GENERAL ASSEMBLY, SEPTEMBER 17, 1952

The Standing Conference of Voluntary Agencies Working for Refugees welcomes the opportunity of again expressing its views on the situation of refugees under the mandate of the High Commissioner.

During the past year it has been a source of satisfaction and encouragement to our members that the Office of the High Commissioner has developed close working relationships with voluntary agencies in carrying out its program throughout the world. We are sure that this cooperation is laying the groundwork for finding more adequate solutions to the urgent problems of refugees. As the High Commissioner has already explained in the documents which he has submitted for your consideration, the principal difficulty confronting him in trying to find such solutions is the lack of sufficient financial support and a lack of sufficient resettlement opportunities in countries of potential immigration.

Since the total resources available for work with refugees are so drastically reduced in comparison with the program of the IRO, it is inevitable, as the voluntary agencies have repeatedly pointed out, that vast areas of need among



refugees are left unmet, and an additional burden has thus been thrust upon the voluntary agencies far beyond their capacity to meet satisfactorily. We note with gratitude the generous grant of the Ford Foundation for which the High Commissioner is the trustee and under which projects will be carried out by voluntary agencies acting under his instructions. The voluntary agencies wish to express their appreciation for the outstanding role which the United Nations High Commissioner for Refugees played in procuring this grant. We are also grateful for the financial assistance for a part of the program of work among refugees which is available through the President's escapee program carried out with Mutual Security Administration funds of the United States Government. In addition, the funds from the liquidation of IRO operation will be of invaluable aid in dealing with the problems of IRO residual displaced persons and refugees. Finally, we wish to express our appreciation to all those governments who have made contributions to the High Commissioner's assistance fund and associate ourselves with him in the appeal for further contributions from other governments as well as from other sources.

It is unfortunately true, however, that having taken into consideration all the foreseeable funds from these various sources, the total amount in sight is still woefully inadequate to meet the desperate situation in which many refugees find themselves. For example, as a result of the terrible shortage of available funds to assist European refugees in China, the High Commissioner has been forced to reduce the level of assistance from 50 cents to 25 cents a day, in spite of the fact that no aid whatever is provided by the local authorities for these refugees. Even this grant is available only to a limited percentage of the total number of refugees in China, because of the limitations on the IRO residual funds made available for this purpose. Thus, the voluntary agencies operating in the Far East are confronted with an intolerable burden.

But even more discouraging than the lack of financial resources has been the tendency during the past year, at a time when the only possible solution of the problem of many refugees is that of resettlement, to find opportunities for resettlement in immigration countries increasingly restricted. In spite of these difficulties, the voluntary agencies have found it possible to resettle over 12,000 refugees under agreements with the Provisional Intergovernmental Committee for the Movement of Migrants from Europe, and in addition have been responsible for finding resettlement opportunities, for procuring visas and documenting at least an additional 30,000 refugees, who have found new homes overseas since January 1 of this year.

In certain countries of first asylum, the opportunities for local integration have been improved during the past year, in some instances through the initiative of voluntary agencies in developing pilot projects with the cooperation of the governments concerned along the lines suggested by the High Commissioner in his report on economic integration. In addition, many governments have provided opportunities for integration of refugees among their own people. Nevertheless, in many areas such as Trieste, Italy, and Greece, where such local integration is difficult, if not impossible, the problem is more urgent than ever. The voluntary agencies urgently request the member governments to take whatever steps may be possible to increase possibilities for immigration of refugees to their respective countries and to explore ways of further means of local integration for those refugees who, for various reasons, are not able to be resettled overseas.

The voluntary agencies would like to take this opportunity to assure the High Commissioner and the member governments of his Advisory Committee that they will continue to make every effort, in cooperation with the High Commissioner and within the limits of their resources, to assist in the solution of the problems of extreme need which exist among refugees today.

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## II. A SERVICE AGENCY OF THE CHURCHES

The World Council of Churches' department of interchurch aid and service to refugees is a service agency through which the Protestant churches of the U. S. A., Canada, Switzerland, Scandinavia, Britain, Australia, and New Zealand combine to aid European refugees and European churches in a wide variety of relief and reconstruction, spiritual ministry and welfare projects.

World Council funds make possible interchurch aid projects administered directly by the European churches who, as a matter of fact, themselves carry the biggest load in their own budgets not only of emergency and relief aid for

their own congregational life and work, but also for thousands of homeless refugees in their midst.

The World Council service to refugees is an operational program with a basic \$400,000 budget provided by church funds. The refugee program comprises a local settlement program, an emigration service, a welfare service, and pastoral care for refugees and churches in exile in Germany, Austria, France, Greece, Trieste, Italy, and Belgium. An international and indigenous staff is maintained, numbering 300.

In 1951 a total of \$3,300,000 was given by the churches, through the World Council, including \$1,806,000 in the form of relief shipments of food, clothing, and medicaments. Nearly \$5 million was contributed in 1950, and some 7 million in 1949. Additional funds were raised and spent in the U. S. A., Great Britain, Scandinavia, and Canada in order to sponsor, receive, and to settle refugees from continental Europe.

A network of international resettlement offices and bureaus of National Councils of Churches in a score of countries enable the World Council to coordinate the churches' efforts in European aid on a world scale. (See attached list.)

By means of conferences on refugee problems and continuous representation to governments and international agencies the World Council has repeatedly helped to arouse and to form public opinion, and to enlist the active concern of both churches and other groups in the plight of European refugees.

Along with other voluntary agencies the World Council has been entrusted with the administration of considerable funds by intergovernmental bodies such as UNRRA and the IRO on behalf of refugees. The IRO Director General and the present U. N. High Commissioner for Refugees have paid tribute to the humane and individual approach to refugee problems which have characterized Christian agencies. It is the ties of Christian community which enable local member churches of the WCC to understand the problems of the DP's, just as it is basic Christian concern which prompts Protestant churches in the WCC to provide help for uprooted and poverty-stricken orthodox churches in exile.

A brief outline of some of the high lights in 1951 will serve to illustrate the World Council's 1952 program and plans:

*(A) Service to refugees*

Thirty-one thousand refugees were resettled in a score of countries overseas. Nearly 2,000 old, sick, or ineligible "hard core" refugees were given permanent homes in institutions thanks to help found through member churches in a dozen countries in Europe and America.

Some 120 refugee orthodox priests and Protestant pastors were maintained in their ministry and aid for refugee congregations in Europe.

The agency was entrusted by IRO with funds to achieve final solution of the problem of a residual group of 125 European refugees stranded on the island of Samar in the Philippines.

Offices were opened in Hong Kong and Tehran for services to refugees in China and Iran.

A travel-loan fund machinery was established with offices in Europe and in both North and South America, to help with the movement of individual refugees.

Local churches in Germany and Austria, in Belgium, France, and Italy, organized to meet refugee needs and to help with care of residual DP's.

Vocational training program and workshop projects were established and supported in several countries.

The service to refugees, operating on a basic \$400,000 budget, spent two or three times that amount due to extrabudgetary gifts from nonchurch organizations, and to approximately a million dollars expended by local churches overseas in assisting refugees in countries of settlement.

*(B) Material relief*

Most of the \$1,806,000 distributed by the World Council staff was given to refugees in Germany, Austria, Trieste, Greece, Italy, and France; the balance went to needy church institutions in Yugoslavia, Greece, Germany, Belgium, etc.

*(C) Interchurch aid*

Ecumenical assistance provided \$112,000 for exchange of personnel in work camps (867 in camps); fraternal workers; and the scholarship program (130 students in 12 countries); \$107,000 for health, literature, and youth projects; and \$78,000 for the interchurch aid staff service, information, publicity, conference and liaison with other bodies. A staff of 25 is maintained at Geneva headquarters by the service to refugees and interchurch aid sections of the Department.

Eight hundred thousand dollars was made available by member churches for a variety of interchurch aid projects—for education and evangelism, catechist training, social service, buildings, apprentice homes and diaspora chapels, community centers, students, women's work, assistance for church workers and so forth—in Germany, east and west, Austria, Hungary, Yugoslavia, Greece, France, Italy, Spain, Belgium, Portugal, and East Europe. In the latter countries help is limited to small shipments of books and medicines, which altogether small in value are of immense symbolic significance representing as they do the unbroken fellowship of the member churches of the WCC in a divided world.

In 1952 the churches realized they faced new responsibilities in relation to the whole problem of movements of people. The refugee problem, far from diminishing, even increases. And the Department of interchurch aid and service to refugees has maintained and is strengthening its basic overseas staff in order to be of the utmost service to homeless refugees, wherever opportunities arise.

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### III. SUMMARY OF TESTIMONY PRESENTED AT THE SESSION OF THE PRESIDENT'S COMMISSION ON IMMIGRATION

1. There are thousands of displaced person families left in Europe and other countries at the conclusion of IRO and the ending of the United States displaced persons program who constitute desirable immigrants to countries of resettlement. Many of these families, through temporary illness, family situations, or arbitrary datelines, were unable to emigrate when the opportunity was available, have extremely limited opportunities for integration in the local economy, and in some instances find themselves no longer able to remain in the countries of first asylum because of political and economic pressures over which they have no control.

2. Other categories of refugees, including the refugees of the same ethnic origin as the country of their present asylum, contribute to the serious problem of overpopulation in European countries.

3. Since all experts in this field are agreed that for the political, social, and economic health of the world these centers of overpopulation can only be dealt with adequately through a program of resettlement in overseas countries, we urge that the United States adopt an immigration policy which will make possible the entry into the United States of the largest number of refugees commensurate with the capacity for absorption in our country.

4. At a time when, following the lead of the United States, immigration possibilities have been restricted in other countries also—particularly in Canada and Australia—it is hoped that a more liberal policy on the part of the United States Government will have a helpful and beneficial effect on the immigration policies of other governments as well.

5. It is our conviction that an immigration policy allowing for the maximum number of refugees and other persons from overpopulated areas of Europe will do much to make the President's escapee program more logical and consistent, and will be a major factor in increasing a feeling of good will and confidence toward the United States on the part of the European countries as well as among many nationals represented by the refugee groups.

6. Meeting with denomination leaders from most of the large denominations and from many parts of the country during the past few days, I am convinced that these leaders, who represent churches who are responsible for giving assurances for over 100,000 persons under the former Displaced Persons Act, are now ready to give support for a further program of receiving and helping to assimilate refugees and other immigrants who may be permitted to come to the United States.

The CHAIRMAN. Will Mr. Ennis appear?

### STATEMENT OF EDWARD J. ENNIS ON BEHALF OF THE AMERICAN CIVIL LIBERTIES UNION

Mr. ENNIS. I am Edward J. Ennis, and I am appearing this morning as a member of the board of directors and as chairman of the alien civil rights committee of the American Civil Liberties Union.

The union is a Nation-wide nonpartisan organization which is devoted exclusively to the protection and the advancement of the civil rights guaranteed by our Constitution and by our democratic tradition. I think I should say at this point that the union as such is not concerned with the many major questions of policy which this Commission will consider, such as the national origins quota basis or the number of aliens which should annually come into the United States. It is not because as individuals we are not intensely interested in that subject, but the union feels that it can be most effective if it sticks to the last and devotes its official attention to the questions which concern it; namely, that aliens as well as citizens receive not only that minimum due process protection which our Constitution requires but that they also receive in the protection of their status, their rights and privileges the fairest procedure which our democratic tradition demands and which our experience with administrative procedures can devise.

It is for that reason that I would like to restrict my brief remarks to the administrative procedures and judicial review available under the present law and under the new act and which should be available under our system, both in respect to visas and immigration procedures.

I would like to just state as a word of qualification that my own qualifications to discuss this subject are that I was general counsel of the Immigration Service immediately prior to the war and also I was Director of the Alien Enemy Control Unit of the Department of Justice during the war years. I supervised the administrative procedures under which alien enemies were classified for security purposes and in turn to parole. At present I am a member not only of the Civil Liberties Union but of such social organizations as the common council and other social organizations which are interested in this field.

Now, as to visa procedures, very briefly, it was in 1917 as a war measure that our country first by departmental order and then by statute in 1918 first decreed that for an alien to travel into the United States he must not only have a passport but must have a visa of an American consular office thereon. This wartime requirement has been continued not only by our requirements here but also in other countries. Unhappily the world has not reached the place which I think the Foreign Minister of Great Britain said once—that a man should be able to get on a train or plane or boat without a passport and travel all over the world.

The original departmental order and the original statutes which have been continued today have placed the sole authority to issue visas, both passport visas or nonimmigrant visas which are stamped in the aliens' passports, in the hands of our consular officers abroad. It is a curious fact that with the whole development of administrative law in the United States since this procedure was first established in 1917 that this little island of administrative action has resolutely resisted the application of the administrative review procedures which we have developed in other fields. So today, under the new 1952 immigration act, as in 1917, consular officials abroad are the only officials of the United States who are authorized to issue visas.

As a result of the fact that there are very numerous grounds of exclusion upon which a visa can be denied and that there are necessarily many hundreds of consuls of the United States throughout the world, persons concerned with the uniform application of the law in so important a thing as obtaining a visa have urged from time to time

that there be some established review procedure for the denial of visas. Because experience teaches us that the only adequate way to make uniform the action of numerous officials throughout the world on numerous grounds of exclusion, for example, that the entry of the applicant would be prejudicial to the public interest—obviously a ground subject to a great variety of interpretations—it has been proposed that both by bills in Congress and by way of statute and by proposals to the Department of State by way of regulation that some review procedure for the denial of visas be set up. It has not been at all successful. Such efforts have received no assistance either from the majority of Congress or from the Government of the United States.

These pressures and valid arguments have merely resulted in what is little better than a makeshift procedure whereby if a consul wishes to, although he is not required to under the regulations, he may request the Visa Division for an advisory opinion on a particular case. It is a curious fact that the regulations provide that if the consul feels that if there is any possible ground for denying a visa—for instance, if the entry would be prejudicial to the United States—he cannot issue the visa. He can deny it without review, but he cannot issue it without obtaining a visa review.

In other words, the State Department has set up a review so far as the Government is concerned, but it has granted no review so far as the alien is concerned.

Now, it would be less than fair to say that this advisory procedure has not resulted in some review of consular action, particularly if the alien is fortunate enough to be able to interest a member of Congress, to bring his case to the attention of the State Department, or if he is able to retain the services of a lawyer who knows this informal procedure and perhaps can induce the consul to ask for an advisory opinion. But practice shows that such an informal, wholly discretionary catch-as-catch-can review procedure in a particular case is a very poor substitute for an appeal procedure as of right whereby an alien who is denied a visa can appeal to the superior officials in the State Department for a final determination of his case.

Now, why has this appeal procedure, which has been adopted throughout our Government in all other Government matters where the rights involved are much less important than the sometimes life-and-death matter of whether an alien can come into the United States, why has any appeal procedure not been devised? One reason is given by the Senate Judiciary Special Subcommittee To Investigate Immigration and Naturalization which recommended the bill which became the 1952 act. In its report that subcommittee states, and I quote :

Refusal of a visa is not invasion of the alien's rights. Permitting review would permit an alien to get his case into United States courts causing a great deal of difficulty in the administration of the immigration laws.

Now, with great respect to the able lawyers and able legislators who constitute the Senate Judiciary Committee, I must submit that it does not touch the question when you say that you don't have to have review procedure because an alien is not entitled to one as a matter of right. Let's concede that point. The point is not "the alien's right" but whether the United States should set up an adequate procedure because only a review procedure can give that equitable administration of the law which gives the equal protection of the laws enshrined in

our Constitution. We owe it to ourselves as well as to the alien to have adequate procedures in this area.

Insofar as the other object, which is really the heart of the matter, that if there is any review procedure for denial of a visa in some manner the alien will get his case into the United States courts. Well, I think there are two answers to that. The first is that it might very well be possible to have a review procedure and to expressly provide if it were thought necessary that the decision of the reviewing authorities in the State Department would be final and not subject to judicial review. I, however, would like to rest on the additional ground that, what harm would it do if our courts were entrusted with that narrow judicial review of denials of visas which is granted to the denial of an applicant who is excluded at our borders when he arrives in the United States.

I say that this refusal of any review procedure because of a fear of some limited judicial action is something which should be examined and dispelled. Efforts have been made to have review in immigration cases. Indeed, in the heat of the war the President set up a President's Review Board of three members in Washington who denied the issuing of visas in Washington. It was a special wartime matter set up for examination of visas because our consuls were not in some of the places in wartime. Records of that Commission will be available to this Commission. I think they did a good job and I hope the Commission will examine its work in determining whether there is not ground for a permanent review procedure.

The section 225 of the Humphrey-Lehman bill introduced in the last session did contain provisions for the establishment of a visa review board for the review of the limited classes of cases of applications for visas by either nonquota or quota immigrants. That is a model which I hope the Commission will consider and examine.

I might say that just in the last few weeks another area of resistance to any administrative review procedure, namely, the issuance of passports to American citizens, is, I think, a bastion of even Americanism which has finally yielded to pressures and court litigations, and finally regulations have been issued providing for review of denial of passports by the Passport Division. The establishment of such review procedure is in the air in our modern postwar America. I hope that that good example can be followed with respect to visas.

I would turn now to remarks on administrative procedures available to immigration cases. I would say at the outset that this situation is different from the visa situation because immigration procedures take place in the United States and there is the due-process-clause requirement. So, insofar as deportation is concerned we have an orderly procedure, and with this procedure a record is made and a decision is made on the record. He has his turn and there is an appeal of right, so I am not going to dwell on what are really some minor defects in those procedures such as the fact, for example, that membership by an alien in one of the organizations on the President's subversive list—which was issued really to determine questions of Federal employment—being used to deny an alien with wife and children entrance or permission to stay.

I am going to speak a few words on two questions. One is the exclusion of arriving aliens on the basis of testimony or evidence which

is withheld. Testimony is withheld from an alien and he has no chance to refute. Then there is the problem of exclusion of reentering permanent residents.

Now, as to the first question, the exclusion of an alien on secret testimony, I won't dwell on it because, of course, the whole problem was dramatized very well in the Knauff case, with which the Chairman and all the members of the Commission are intimately familiar. I would merely like to say that the wartime regulations which first provided that in exceptional cases an alien might be excluded from this country on the basis of evidence, the disclosure of which the Attorney General certified was contrary to the public interest, were adopted immediately prior to our entry into the war. I was general counsel of the service at the time. It was the thought that there might be extraordinary cases in which this very special power might be used during the wartime.

We put in this requirement that the Attorney General certify that the disclosure of the evidence would be contrary to the public interest as a necessary, we thought, and workable check on the routine use of this procedure by subordinate officials.

I submit to the Commission that full examination, and I hope you do examine, of all the cases in which this special procedure has been used since the termination of hostilities and I feel you will find—but the public does not have access to these records—that even in the post-war cases this procedure devised as a most special and extraordinary one has not been kept strictly in the hands of the Attorney General personally as we envisaged, but that it has become not a routine but a regular procedure under which a substantial number of persons have been excluded from the United States on the basis of secret denunciations, which if they had a chance to meet them might have been able to refute them as Miss Ellen Knauff, as was explained by the Board of Immigration Appeals analyzing the testimony in that Board of Appeals case.

My recommendation is that (1) the Commission make a study of those cases as a necessary factual basis for any recommendations as to what should be done. I hope that in any recommendations the Commission makes in this difficult question it will consider it a requirement that the Attorney General personally pass on such cases. They should be very few. The Attorney General has no more important duties than to determine such delicate questions as to whether a person should be barred on evidence not known to them. He should be committed to personally pass on this, which, in the public interest requires the evidence not to be revealed.

I would suggest that the Commission also consider that in case of any judicial review that there be a requirement that the evidence be revealed to the district judge. Surely our Federal judiciary can be entrusted even with such secret evidence. I suggest further that a district judge have the authority to disagree with the Attorney General that this evidence should not be disclosed and that in a proper case if he so disagrees the district judge should have the authority to give the Department of Justice the alternative of either revealing the evidence or of admitting the individual.

Now, that is not surprising because we know in many situations the Government foregoes prosecution or other administrative action where the going-ahead would require revealing evidence. It is not improper

because Government faces it every day—the choice of protecting its sources of information or proceeding with prosecutive or other action.

Now, I leave that subject and speak just a word on—

The CHAIRMAN. You have far exceeded your time.

Mr. ENNIS. Then I will be glad to leave the rest of it with you in a written statement.

The CHAIRMAN. I don't want to stop you, but if you have such a formal statement we would appreciate your leaving it with us.

Mr. ENNIS. I have supplied copies of it and would be glad to leave it in that form.

Frankly, I am so interested in these subjects, you understand I could talk all day.

Let me say just a sentence in conclusion. I hope in considering the great major social situation that the Commission will not lose sight of the fact that often justice lies in good procedure and that we shall by setting up a good procedure avoid the almost shameful spectacle of having these cases decided by trial by publicity in which a visa is denied, and then if the person has means to get to the press there is a big hullabaloo, the case is reconsidered and the person admitted. These matters in our great country should not be decided that way. They should be decided by fair procedure for in the absence of fair procedures these cases are being tried in the press, simply because there is no other place to decide them.

The CHAIRMAN. I agree with you on that. I think you will agree that injustice is done on desistance of Government officials because a successful effort was made to try the case in the press instead of by discretion.

I happen to know a great deal about the case you are talking about, and it is just one case and it is important in this great picture that we face, but it may have been that the Government was unable to prosecute publicly all the information they had in that matter.

Mr. ENNIS. I understand that entirely.

In closing I would like to say a personal word. I think it most auspicious that the Commission is beginning its public hearing in this great city through which have come so many of the immigrant parents of our American population, and I wish you Godspeed in your work.

The CHAIRMAN. Thank you.

(The prepared statement of Mr. Ennis follows:)

STATEMENT OF EDWARD J. ENNIS REPRESENTING THE AMERICAN CIVIL LIBERTIES UNION

I shall testify briefly on the subject of the administrative procedures available in visa and immigration cases under the present law and the new Immigration and Nationality Act which becomes effective on December 24, 1952, and the scope of judicial review of administrative decisions. I speak today as a member of the board of directors of the American Civil Liberties Union and as chairman of its alien civil rights committee. The ACLU is a Nation-wide nonpartisan organization devoted to the protection and advancement of the fundamental democratic liberties guaranteed by the United States Constitution. The union is not concerned with purely immigration policies, such as the number of aliens allowed to immigrate annually, but is vitally concerned that aliens be granted not only the minimum of constitutional protection but also that there be made available procedures for determining their status, rights, and privileges as fair and equitable as our democratic tradition demands and as our long experience with administrative procedures can devise.

My qualifications to discuss these matters are based on my experience with immigration problems for nearly 20 years first as an attorney in the Department



of Justice and since 1946 as an attorney in private practice and as a member of the boards of directors of a number of organizations interested in immigration and naturalization. Immediately prior to the entry of the United States into World War II, I was the first general counsel of the Immigration and Naturalization Service, and during the war years I was Director of the Alien Enemy Control Unit of the Department of Justice charged with the administration of the procedures for security screening of aliens of enemy nationality subject to internment and parole.

I shall discuss first visa procedures and then immigration procedures.

#### I. VISA PROCEDURES

Consular officers abroad are authorized under the new law (sec. 221) as well as under the present law (sec. 2 of the 1924 act, 8 U. S. C. 202; sec. 30 of the Alien Registration Act of 1940; 8 U. S. C. 451) to deal with applications for passport (nonimmigrant) visas and immigration visas. The requirement that aliens have passports and procure visas from American consuls abroad in order to travel into the United States was established as a wartime emergency security requirement by a joint departmental order of the State and Labor Departments in 1917 which was confirmed by the wartime act of May 22, 1918 (22 U. S. C. 223-227) and is continued in section 215 of the 1952 act. The passport and visa requirements was expressly continued after World War I by the act of March 2, 1921 (22 U. S. C. 227). The Immigration Act of 1924 (8 U. S. C. 202) provided permanent legislation for issuance of immigration visas by consular officers.

Consular officers abroad alone have the statutory authority to issue visas. The alien has no appeal as a matter of right from an adverse decision, which may determine the whole course of his life. A visa may be denied on any one of numerous grounds of exclusion including such a general ground as that the consul has reason to believe that an alien's entry would be "prejudicial to the interests of the United States (22 C. F. R. 53.33). In view of the numerous possible grounds of exclusion interpreted by hundreds of consuls throughout the world the risk of lack of uniformity and consequently unequal protection of the laws is very great. In the absence of a regular appeal procedure, the only satisfactory way to promote uniformity, it is of interest to note the provisions of the published regulations which do provide for some examination of consular action by the State Department.

The consul may, if he wishes, although not required to do so, request an advisory opinion from the Visa Division (22 C. F. R. 42.119). A visa may be refused but cannot be issued without an advisory opinion in any case in which the consul believes there is doubt whether the alien's admission would be prejudicial to the interests of the United States and in other stated classes of cases (22 C. F. R. 53.40). This in effect provides the Government, but not the alien, with an appeal in such cases. Request to the Visa Division for review of denials of visas are ordinarily met with the reply that the statutory authority rests with the consul. But the regulations do provide that interested parties are entitled to an adequate explanation from the consul concerning why an alien has been unable to qualify for a visa (22 C. F. R. 42.406). Consequently when a visa is denied it is often possible by asking the consul for an explanation to induce him to seek an advisory opinion and in this way get some review of the case. Within the limits of this discretionary advisory opinion procedure it is often possible to submit additional information to a consul and obtain some consideration of the case by the Visa Division. But obviously this discretionary, somewhat makeshift, procedure is a poor substitute for an adequate hearing and review procedure as a matter of right in which the reviewing authority can be asked to reverse a consular decision. Inevitably the absence of a review procedure means that in cases in which the assistance of Members of Congress, or of lawyers familiar with the practice, can be obtained some sort of review is possible but this is not so in the great majority of cases.

Efforts to obtain the establishment of a review procedure by statute or regulation have met with no acceptance either in Congress or in the State Department. Bills introduced for this purpose have failed to receive substantial support. The Senate Judiciary Special Subcommittee To Investigate Immigration and Naturalization which recommended the bill which became the 1952 act rejected the suggestion for review procedure and stated (Rept. No. 1515, 81st Cong., 2d sess., p. 622): "Refusal of a visa is not an invasion of his [the alien's] rights. Per-

mitting review would permit an alien to get his case into United States courts, causing a great deal of difficulty in the administration of the immigration laws." In disagreement with this view it is urged that an adequate visa review procedure is sought not because it is the alien's right but because it should be the policy of the United States to provide an equitable procedure for the uniform application of the law in the spirit of that equal protection of the laws which is a principle of our Constitution. If necessary, judicial review of final administrative decisions could be wholly or largely eliminated. In fact, however, there appears to be no compelling reason why there should not be available the limited judicial review available in exclusion cases in order to have a means of correcting possible mistakes in particular cases.

Section 225 of the Humphrey-Lehman bill (S. 2842) does provide for a visa review board for nonquota or preference quota immigrants who are denied visas. During World War II a Presidential review board of three members reviewed denials of visas with good results and no doubt its records are available to this Commission. What was done during the war certainly we can afford to do now. Recently the Passport Division of the State Department has yielded to urgings for many years to set up a procedure for review of denial of passports to citizens, and the State Department has issued regulations for this purpose. This reform should be followed by establishing a review procedure in visa cases also.

## II. IMMIGRATION PROCEDURES

Unlike visa procedures, immigration procedures are carried on in the United States directly under the influence of the constitutional requirement of due process of law and therefore have been relatively ample. In deportation proceedings an orderly hearing is held and recorded and the decision is made on evidence introduced into the record. The alien may have the assistance of counsel and introduce his evidence. There is an appeal as of right. There are some relatively minor procedural difficulties, such as use of a medical certificate that an alien is insane and therefore subject to deportation without producing the certifying doctor for cross-examination as judicial decisions require, but for present purposes I would like to discuss two more general problems involving exclusion of arriving aliens and exclusion of returning residents.

1. *Exclusion on secret denunciations.*—The *Ellen Knauff case* (338 U. S. 537) dramatized the problem of exclusion of arriving aliens on the basis of confidential information "the disclosure of which would be prejudicial to the public interest." (8 C. F. R. 175.57). Originally these regulations were published in November 1941 while the war was raging in Europe for the purpose of dealing with exceptional and extraordinary spy cases which might arise. It was believed that the requirement that the Attorney General certify that disclosure would be against the public interest would insure the most sparing use of this extraordinary procedure. It was not thought at the time that after the end of hostilities this procedure might be used in the relatively large number of cases involving persons not a serious menace to our safety. Unfortunately the Knauff and similar cases suggest that the certification safeguard has not been wholly satisfactory and that the exceptional authority has been delegated to subordinates who may not fully appreciate the gravity of condemning an individual on secret evidence. The dangers of this procedure are best realized by reading the opinion of the Board of Immigration Appeals in the Knauff case (conveniently contained as an appendix to *The Ellen Knauff Story*) which analyzes the evidence upon which the alien was deprived of her liberty for more than a year.

The 1952 act incorporates these wartime regulations into permanent legislation without even the requirement that the Attorney General certify that public interest requires withholding of the information. It is sufficient if the Attorney General so concludes. The Supreme Court has ruled, and even the minority opinions agree, that Congress may authorize exclusion without a hearing. That does no relieve Congress of its grave responsibility to provide a fair procedure. It is recommended:

(a) A study of the cases in which this power has been used since the termination of hostilities in World War II should be made and reported so that the scope of the exercise of this power can be determined. A precedent is found in the action of Secretary of State George Marshall in appointing a committee to examine action on visa cases following the charge that Communist spies were entering the country as members of the UN Secretariat.

(b) Safeguards should be erected around the use of this exceptional procedure if it is retained at all. The Attorney General should be required person-

ally to certify that withholding the information is necessary in the public interest. In the case of court review the secret evidence should be revealed to the district judge and he should have the power to disagree with the Attorney General and require the Government to reveal the evidence or, in the alternative, admit the alien. It is not unprecedented for the Government to forego prosecutive or other action in the interests of protecting its sources of information.

2. *Reentry of resident aliens.*—The present law and the 1952 act provide for a reentry permit which a permanent resident alien may obtain to permit his reentry without obtaining a visa. There is no statutory provision that permits a predetermination of any possible ground of exclusion, and under the law a returning resident is subject to all of the grounds of exclusion to the same extent as a new immigrant. It has been the practice, however, where the Immigration Service is aware of a possible ground of exclusion to so advise the applicant for a reentry permit and to question him on the possible ground of exclusion. In some cases reentry permits have been refused where it appears that the alien might be excludable on return and in any event the alien has been amply warned of this possibility. The press reports in the recent Charles Chaplin case suggest that this informal procedure may not have been followed and the alien may not have known until he left the United States of the Government's intention to question his right to reenter. If this be true the procedure should be corrected by statutory amendment giving the alien an opportunity to obtain a decision on any question of exclusion known to the Immigration Service at the time an application for a reentry permit is made.

### III. JUDICIAL REVIEW

The Administrative Procedure Act of 1945 (5 U. S. C. 1001) attempts to embody the experience of Congress and many Federal agencies over many years in providing a statutory code of the best administrative practice which could be devised and agreed upon. The Supreme Court held that it applied to immigration procedures and thus held that an alien's personal rights are entitled to the same protection as a citizen's property. This decision unfortunately was promptly nullified by the most unsatisfactory form of legislative enactment in the form of a substantially irrelevant rider to an important appropriation bill which faced Congress and the President with the unpleasant alternative of foregoing the necessary appropriation or eliminating the application of the act to immigration cases. Although the application of the act to immigration cases was repealed the House managers of the bill which became the 1952 act stated that the procedures "remain within the framework and the pattern of the Administrative Procedure Act" (Rept. No. 2096, 82d Cong., 2d sess., p. 127). It is to be hoped that this is true, but comparison of the Administration Procedure Act with the 1952 act leaves great doubts. For example, the Administrative Procedure Act in section 9 (5 U. S. C. 1009) provides that the courts shall hold unlawful administrative action not supported by "substantial evidence." Some courts have suggested that this language affords a broader scope of judicial review than the rule stated in prior decisions that the courts will not interfere with an immigration administrative decision supported by "some evidence."

The 1952 act provides in many cases for a change from an objective determination of facts to a determination "in the opinion of the Attorney General," or to the "satisfaction of the Attorney General." It is submitted that there is no basis in the judicial application of prior statutory provisions or elsewhere for this change from an objective determination of fact to subjective determination of the Attorney General's opinion or satisfaction. Such statutory changes are retrogressive as a matter of administrative law. They may unduly hamper judicial review if the question submitted to the courts is whether the Attorney General has the opinion he says he has. It is submitted that the application of the Administrative Procedure Act should be restored.

### CONCLUSION

In considering the major problems of immigration policy, it is felt that the Commission should not lose sight of the fact that good procedure is one of the best guarantees of justice in particular cases. To our shame we witness the spectacle of the United States and its Government being held up to ridicule abroad because of the denials of visas and passports or the exclusion of aliens under inadequate procedures followed by the grant of passports and visas and the admission of the aliens after sufficient public attention has been brought to bear on the cases. In place of trial by the battle of publicity there should be substituted a fair and adequate administrative procedure.

The CHAIRMAN. The next witness is Prof. Phillip Edward Mosley.

**STATEMENT OF PHILLIP EDWARD MOSLEY, PROFESSOR IN THE DEPARTMENT OF PUBLIC LAW AND GOVERNMENT AT COLUMBIA UNIVERSITY, MEMBER OF THE RUSSIAN INSTITUTE OF COLUMBIA UNIVERSITY, AND PRESIDENT OF THE EAST EUROPEAN FUND, INC.**

Professor MOSLEY. I am Phillip Edward Mosley, professor in the department of public law and government at Columbia University. I am a member of the Russian Institute of Columbia University, which was established in 1946 for the purpose of training experts for both university and government needs in the field of east Europe. I am also president of the East European Fund, Inc.

I am testifying in my individual capacity, not as a representative of an organization.

Mr. Chairman, members of the Commission, I want to thank you first for the privilege of commenting on one or two aspects of this very important problem. I might suggest a word about my experience since I am not appearing as a representative of an organization.

I have been a student of Soviet and east European problems for some 24 years before the war and again since 1946 I have been engaged in teaching and research as well as consultation on problems, especially concerning this area and the problems it raises for us as a nation. During the war I served as chief of a research division in the Department of State and also took part in negotiations for the attempted peace settlements in Europe. During and after the war I became very much concerned with the division of Europe which was already beginning to take place in 1944 and 1945 with the plight of those tens and hundreds of thousands of people who simply could not reconcile themselves to living under conditions where they would be deprived of religious and intellectual and political freedom and who have therefore come to our side.

Since 1951 I have been a trustee and since January of this year president of the East European Fund, Inc., a philanthropic organization established and maintained solely by the Ford Foundation. Its principal task is to assist in the adjustment and integration of exiles coming from the Soviet Union in this country. I might say that it does not engage in any political activities. It does not work abroad, contrary to what the Soviet press frequently asserts. It is concerned with the problem of the ex-Soviet refugees and escapees after they arrive in this country and it endeavors to assist in developing their integration into American life in all respects.

The CHAIRMAN. Will you let us have your views on this subject?

Professor MOSLEY. I should like first to speak to the question of problems and special opportunities offered to our country through the situation of refugees and escapees coming from the iron-curtain countries. I have already mentioned the basic reason why these people are escaping individually and in substantial numbers even today despite all the efforts made to cut them off and bottle them up in their own countries. In the countries from which they come the individual is regarded as property of the state and these people are escaping to the free world where they want to find individual, intellectual, and religious freedom.

I feel that the policy to which we are committed at present is not fully understood in this country and that it is not the intention of our people to cooperate to bottle these people up within the iron curtain. But consider the situation of a Hungarian, a Czech, a Russian, or a Pole who has escaped. I might say that it is probable that half the people who are now trying to escape are captured and severely punished in the effort. He is then thrown upon the economy of a country of which he does not know the language, which in the case of Germany has a great economic and social implication which is hardly conducive to providing real opportunities to the new escapees who are strangers there.

It is not surprising that some people having made this great effort to escape give up the struggle to adjust themselves in the free world and return to their own countries. This happens in small numbers, but it does happen. Each time it is widely publicized and it is developed as a deterrent to any similar idea of loyalty to the ideal of the free world or to any similar idea of escaping from totalitarian control.

I feel from my own constant observation of many hundreds of these people who have come to this country since 1946 that they bring a high level of motivation and a deep gratitude to America for the opportunity they have received and have many contributions to make. I feel that it is not fair to leave this entire problem to the countries to which these people first come or to Western Europe. I feel that we can be greatly strengthened in taking care of this problem if we can do our share and receive our share of these people of high motivation and of unusually good economic and professional experience in many cases. I feel that we will strengthen our own country and the free world, the countries of which we are working to defend the area of freedom if we will open a door, or rather if we will reopen a door to the people who under intolerable pressure are escaping every day and every week from the iron-curtain countries.

I feel we will strengthen ourselves in a long drawn-out conflict, a cold conflict with the Soviet Union and will gain a great deal of additional strength on our side in this struggle which we did not choose but cannot avoid if we readopt a more enlightened policy towards these people, disregarding the deadlines and arbitrary dates which have been adopted in the past and establish a flexible review of the requests to come to this country.

I want to insert parenthetically that I feel our country is the strongest and most prosperous and most advanced, and that it is easier to assimilate these people in our country than anywhere else, as shown by the great growth of our people, and that we should continue to follow an enlightened policy in this respect.

I would like to say a word about one special problem concerning the so-called "hard core" refugees. Under our requirements, which are strict, people who have relatively minor disabilities are often barred from receiving an immigration visa. I feel that we have the facilities and we should have the generosity to take a certain proportion of people who have some physical disabilities and help them to adjust themselves here and to make their own way. Other countries are doing this to some extent. Sweden has recently taken people who have tuberculosis. Certainly, we have that disease under control in this country and we certainly could do something in this country

and take them and cure them. I think we would gain immensely in prestige throughout the free world if we would restudy this problem of physical disabilities to immigration and undertake a small but definite part of the burden which should be shared in the free world.

I would like to say a few words, if I may trespass on your time, about one other problem which is not directly related to the first problem. This is the problem of the political test for admission both for temporary visitors and for permanent immigration. I am not a lawyer and I would not attempt to suggest precise language or procedure, but in my experience since the war on visits to Europe I have been greatly concerned that we are confusing in too many cases the field of opinion with the field of action. I would yield to no one in my support of measures to prevent the entrance of persons who wish to undertake actions detrimental to our country and its policy, but I feel that, and I have confidence in the authorities who are concerned with watching this aspect of the problem, we have tended in the past 2 or 3 years particularly to confuse the area of opinion with the area of action. This is bad for our position in the free world—the position of leadership which we must exert. We are committed to the free circulation of ideas in our own country and when we apply a too narrow definition of idea, permissible ideas or approved ideas, in the admission of intellectuals, writers and professors, and so on, from other countries it could do serious damage, and I think more than most of our people realize.

We tolerate criticism within our own country. We can take criticism from individuals so long as it is sincere thought and so long as it is not organized hostile action. I think that in the consideration of our immigration laws it would be especially important to consider this aspect. One thing which perhaps we do not realize enough is that when a foreign scholar or writer or musician is denied a visa purely on grounds of opinion or some past association, this creates a presumption in the minds of his fellow countrymen that those who received visas are somehow committed to a detailed platform of American thought or policies and this is also bad for our side because it contradicts the very assumption that we can stand up in the free market of ideas and have the give and take which we want for ourselves and which we can tolerate certainly in our visitors from abroad.

Thank you, sir.

The CHAIRMAN. Thank you very much. The next witness will be Mr. Russell W. Davenport. The Commission will be glad to hear your views, Mr. Davenport.

#### STATEMENT OF RUSSELL W. DAVENPORT, WRITER AND FORMER EDITOR OF FORTUNE

Mr. DAVENPORT. I am Russell W. Davenport. I am a writer, former editor of Fortune, and am appearing as an individual, and not as a representative of any organization. I have a prepared statement which I will read or outline, as you wish.

The CHAIRMAN. We are going to be pressed for time, and we are most reluctant to take advantage of those who are good enough to come here and then tell them to cut their remarks down in time, but we would appreciate it if you will let us have your statement and

then you may make any comment briefly on it that you think would be of special interest to the Commission.

(The prepared statement of Mr. Russell W. Davenport is as follows:)

Mr. Chairman and members of the Commission, I first want to congratulate the Commission on undertaking this broad and comprehensive survey into the important question of immigration. Nothing perhaps has affected the world standing of the United States so deeply, in so many ways, over so long a period as its immigration policy. The United States has always stood forth before the nations as a haven of refuge from tyranny and disorder, and this fact has profoundly affected the traditions of our country and of our free way of life. Moreover, as we look toward the future, our immigration policy appears to become more important, rather than less. We are a symbol of freedom and the world looks to us to define in concrete ways how freedom can be achieved. Our immigration policy is vital to that definition.

I want to make it clear, before presenting my thoughts on this subject, that I am in no sense an expert in this field. As some members of the Commission know, I have interested myself in this subject at various times, but purely as a citizen with what he considers to be the welfare of his country at heart. I cannot, therefore, lay before the Commission any carefully assembled body of statistics nor can I offer expert analysis of the various specific problems that the Commission faces. My concern, on the contrary, is with certain basic principles, the formulation of which is the result of many years of observation and analysis. These principles have to do directly with the survival of our free way of life, in economic as well as in political terms. I offer them as a kind of background for your work, and I shall not attempt to minimize the difficulty of achieving them.

In February 1951 I collaborated with the editors of Fortune magazine to produce an anniversary issue entitled "U. S. A., the Permanent Revolution." Our assignment in that issue was to examine the sources and reasons for the development in the United States of the free way of life. In the chapter entitled "U. S. Foreign Policy" we had a suggestion to make that bears directly upon immigration policy and I would like to quote a section of that chapter.

"If United States capitalism is ever to perform its task of raising living standards in the so-called backward areas of the world, it will need the cooperation of European industry just as surely as our military strategy requires Europe's steel \* \* \*. But unless we are merely to pick up the check for another experiment in state planning, [our policy] must be preceded by some degree of assimilation among the three great centers of industrial strength, Britain's, continental Europe's, and ours. It is now clear that there will never be an economic or military integration of Britain and Europe (or even of Europe alone) except as they march together toward economic integration with the United States in an Atlantic Community. The most skillful 'donation diplomacy,' Payments Union, Schuman plan, and all, could not break up the nest of little obsolete autarchies that Europe insists on retaining until it has something better in sight.

"Yet the United States has it in its power to put something better in sight: to demolish these autarchies, undermine all their dead-end dreams of state socialism, and set their extraordinary citizens on a new and more promising economic path. To employ this power will require a radical change in United States economic policy; but it is a change that should be made anyway for the sake of American capitalism, the American taxpayer, the American dollar, and the American manpower supply—which last is already putting too low a ceiling on our own economic and military horizons.

"Like other obsolete United States policies, the Hull reciprocal trade treaties were based on Pax Britannica assumptions—in this case the assumption that a world market, which the British had created by their willingness to make a price for any quantity of anything offered for sale, could survive the British withdrawal from that market in the early thirties. A world market will not exist again until another strong nation makes one. We have, as a Nation, no adequate incentive to make a true world market. But we have very good national reasons to extend our own internal free-trade area to certain nations that may be willing to reciprocate.

"An offer of free trade and free migration, coming from the protectionist United States, would create a sensation in Canada, Britain, western Europe, or

wherever we might feel militarily safe in making it. Since the terms of the offer would require the abandonment of all exchange controls, quantitative restrictions, and other devices that obstruct a progressive division of labor, it would bowl over Europe's socialist politicians like ninepins. The fusing of these markets would intermix men and corporations now walled apart, in such a way that the most successful business practices (by and large the American) would become the prevailing practices throughout the area. Whatever its boundaries, this new super market would be by definition larger and by economic axiom richer than the present U. S. A.

"The dislocations for the present United States would be considerable. Even some militarily vital industries like chemicals and aluminum would be put at risk. For that reason the free-trade offer, without qualifications, could be made only to nations with which we share a strategic frontier and with whom we feel militarily secure. Such a policy, a major break with the obsolete universality of the Hull approach, would be a new beginning. It would require a passionate congressional debate; for protection is one of our oldest political habits. Yet we have one older one: the habit of extending the American proposition of freedom as far as our safety permits, and sometimes further. If America is really a system, rather than just another nation, this debate would give us a crucial chance to prove it."

This quotation opens up, of course, a very large and controversial field of inquiry. It is not possible, in the brief time at my disposal, to undertake a thorough examination of all the questions involved. I shall content myself, therefore, with the bare statement of the following principles:

1. It is impossible to formulate an intelligent immigration policy without reference to American economic policy. The question of who is to be admitted to the United States and who is not, is not merely one of altruism or kindness.

We do, of course, have moral obligations toward displaced persons and homeless peoples throughout the world. But that is not the problem that I want to lay before you. What I have in mind is something very much larger, and, if you like, more selfish. The free capitalistic system is essential to the maintenance of our free way of life. Our foreign policy must take cognizance of this important fact. An immigration policy that weakens the free capitalistic system—however desirable in other respects—is not a wise policy. We must be sure that our immigration policy strengthens us. That is the first essential. And it means, to repeat, that we cannot intelligently determine our immigration policy without reference to our economic policy.

2. I realize that the economic policy of the United States is not directly the concern of this Commission. But since, as already stated, economic policy and immigration policy cannot be wholly separated, I offer the following points by way of perspective.

(a) Internally, it is axiomatic that the States of this Union should practice free trade. We do not permit economic barriers between States. Everyone recognizes that this is one source of our economic strength, and that if we were to permit interstate trade obstructions—as for example, State tariffs—we would at once destroy one of the greatest assets of the American economy, namely, the vast American mass market.

It is less often recognized, however, that the maintenance of free trade between the States of our Union involves categorically the maintenance of free immigration between those States. There is an economic law here that nobody can escape, however much he might like to do so. Let us suppose, for example, that the State of Michigan were to bar immigration from the State of Mississippi. It would not be long before the economic relationship between Michigan and Mississippi would be profoundly dislocated. The economics of the State of Michigan have reached a very high industrial level; those of Mississippi have not. In order to maintain free trade between them, it is necessary to permit their respective populations to shift back and forth in accordance with their respective economic requirements and opportunities. If, for example, there is a labor shortage in Michigan, both wages and prices would tend to spiral upward unless it were possible for persons in less favored areas to immigrate to Michigan and thus to correct the balance. Similarly, if there should be a superfluity of labor in Michigan, very severe strains would be placed upon the economic system of that State unless it were possible for citizens who could not find jobs there to emigrate to Mississippi or some other State.

Moreover, to complete this picture, we must remember that the capitalist system flourishes on opportunity. Certain new economic opportunities might open up in the State of Mississippi. If Mississippi had an immigration policy



barring citizens from Michigan or some other highly industrialized State, those native opportunities could not be seized or would be developed much more slowly. It is only by admitting citizens from more highly industrialized areas that Mississippi can hope to develop the opportunities inherent to that State. Vice versa, certain citizens of Mississippi might be able to find, in Michigan, opportunities that the natives of the latter State either had not seen or would not know how to develop.

In brief, the maintenance of a flexible free-trade system requires flexibility of population. Any effort to block the flow of population will have inescapable economic results, which will take the form of large State debts for unemployment relief, or the continuance of a backward economic development, or a failure to seize opportunities that exist in a given area.

All this is axiomatic, so far as our domestic economic policy is concerned.

(b) In foreign policy, however, Americans have been strangely inconsistent. Their inconsistency arises, first, from the fact that there was a long period of a hundred years or so when they were faced with the necessity of building up their manufactures against the competition of more developed countries. This led to a policy of protectionism, which was essential at the time, and which bore very fruitful results. Moreover, so long as this policy was in force, it was absolutely logical to follow it up with a policy of immigration restriction. America then had the problem of achieving a high standard of living. The restriction of immigration was one necessary step in that direction.

What we must recognize, however, is that the American problem has changed. We are no longer faced with the task of achieving a high standard of living; we have it. Our problem today is to maintain a high standard of living. And this radically alters our economic and immigration requirements.

Our economic aim today cannot be to exclude other nations from our market. Rather, it must be to increase the area of our market as much as possible. If we could gradually double the size of our market two objectives would be attained. On the one hand, we would increase the number of our own opportunities; on the other, we would enlarge the area of free capitalism, and thus make a substantial gain in our struggle against communism and other totalitarian doctrines. While it is undoubtedly true that such an expansion of the free-trade area would do temporary harm to certain specific American industries, nevertheless, the expansion of our general market which would result from such a step could only work in the direction of increasing the security of employment in America and of multiplying the opportunities of all concerned.

(c) On the other hand, a continuation of the present policy of restriction, whether in the area of tariffs or in the area of immigration, cannot fail to lead us deeper into the difficulties that we now face. These difficulties have been brought about, in large part, by the fundamental economic imbalance between the United States and the rest of the world. The only way we have found to palliate these difficulties is by handing out large sums of money. But these hand-outs, however beneficial in other ways, fail to increase the area of free capitalism because we have offered no real inducements for such a development beyond our borders.

Now these hand-outs represent, to some extent at least, the imbalance that exists between the economic potential of the United States and that of the rest of the world. And it would be much less costly if we could find some means to correct that imbalance. Such a means is suggested in the Fortune article first quoted. By creating an enormous new free-trade area, we would at one and the same time increase the size of our potential market, and give other countries the opportunity to reestablish a working economic balance through their own energies.

But, as already pointed out, an economic policy directed toward that end would not work unless it were supported by an immigration policy designed to meet the same end. That is to say, if we are to expand the free-trade area we must liberalize our immigration policy to permit the free immigration and emigration of all people within that area.

3. There is still another aspect of this question that I would like to call to the Commission's attention. Recent wars and economic disasters have disrupted the economy of the world and have left people with a sort of hopeless feeling, that it is impossible to reestablish a free economic system on an international basis. This world hopelessness or despair can be dissipated only if the United States shows the quality of leadership. I think the spectacular success of ECA in countering the Russian threat provides us with a perfect example of what United States leadership can do. ECA was a limited program and had many

defects. It nevertheless did inspire Europe to make new efforts against totalitarianism.

ECA has done its task and the question now is whether the United States is going to follow it up. I think it is self-evident that what the western world needs is a great new idea—A policy that would stand forth in history as typically and courageously American—something equivalent to the illustrious policy that the British Empire followed for so many years, called the balance of power. I do not believe that a balance of power policy is congenial to the American temperament or the American form of government. We must develop our own policy. And this typical American policy, it seems to me, should be, essentially, an extension of the basic principles of our domestic political economy into a broader field.

What is this broader field? It must surely be that area of the world where people still live in the hope of freedom and are able and eager to maintain the free way of life. Roughly this area includes the nations of western Europe, except Spain, Great Britain and the British Commonwealth; the United States, and perhaps certain portions of South America. I do not wish to infer that this list is definitive, but the area described is roughly what I have in mind. If we could reestablish free capitalism in that vast area we would lead the way to an enormous advance against communism.

The best—indeed, the only—means of accomplishing that end is to set up a free-trade system for these peoples. We should offer them a kind of package. We should ask them to take certain steps in the direction of establishing a free, competitive, capitalistic system and to abandon the kind of governmental restrictions and controls that have characterized socialist regimes and have tied the economics of the world into knots. In return for such steps we should offer them a long-range program that would provide for the gradual institution of free trade between them and us, and—since the two are necessarily tied together—the gradual establishment of free immigration and emigration.

Such an offer would have tremendous repercussions throughout the world. It would rally the free peoples. It would undermine socialist regimes. It would serve notice on the Communist world that we really mean business. And it would provide new hope for those countries who are captured behind the iron curtain, because they could be made to understand that if they could break the Communist yoke they would become eligible for the benefits inherent in our proposal.

All this may sound very remote from your studies in immigration policy. Nor am I unaware, as already stated, that the economic policy of this Nation is not strictly speaking the subject of your inquiry.

My hope is, however, that I have at least made the point clear, that our immigration policy cannot be separated from our economic policy and treated as a thing in itself. And I very deeply hope that in its final report this Commission will stress that vital point.

If we in this country are headed for a closed system, a system of high tariff walls, a system of exclusion, then of course it would be logical to erect very stiff and even arbitrary immigration barriers. However, we should be aware that such a restrictive system must lead us in the direction of socialism. Freedom has never been won by exclusion. The whole history of freedom has been a history of expansion; of how to embrace, through homogeneous laws, larger and larger areas, and more and more diverse interests. That is the very secret of American freedom. A policy of exclusion is a policy that leads eventually to totalitarianism. Where, for example, is exclusion practiced with the most rigor today? It is by the Soviet system, which can exist on no other basis.

It is always easy to make a case for exclusion; it is difficult, and always has been difficult, to make the case for freedom.

Finally, I think a great deal of damage has been done to the cause of freedom by those who advocate the immediate and wholesale cancellation of our immigration restrictions. I hope you will note that in this statement I have advocated no such thing. It would seem to me the height of folly to admit people into this country just out of kind-heartedness. We would all like to be kind-hearted, but we must protect our system; and to this extent I am in favor of the maintenance of immigration restrictions of various kinds. What I have urged here is, that the restriction be liberalized, and even abandoned, in special cases; with regard to countries, that is to say, who are willing and able to join us in the building of a certain kind of system in which we believe. Such a long-range policy, it seems to me, is in conformance with our enlightened self-interest; and it is our enlightened self-interest that our immigration policy should serve.

Let us not, therefore, base our decisions about the admission of new citizens on either sentiment or prejudice. Let us face the cold fact, that in order to encourage the development of the kind of world we want, our immigration policy should be, on the whole, restricted; but that, in special cases, where we can make basic agreements working toward the development of a free system, we are ready to modify our restrictive policy in radical ways, looking toward the complete elimination of restrictions within a vast area of the world dedicated to economic political, and spiritual freedom.

Mr. DAVENPORT. I will just point out the purpose of the statement.

The CHAIRMAN. Fine.

Mr. DAVENPORT. I don't appear here as an expert on immigration. However, I feel that the immigration policy is very deeply interwoven with our whole world standing and the future of this country and the world.

The CHAIRMAN. It might be helpful, Mr. Davenport, if you would let the record show how it is that you are interested in this and what your prior experience has been.

Mr. DAVENPORT. My prior experience is that of a citizen who has interested himself in the question. I collaborated with the editors of Fortune magazine a couple of years ago in putting out a special issue which we called the U. S. A., the Permanent Revolution. And in that issue we made certain points that I think bear on the problem that faces the Commission. The chief point is what can America do at the present juncture in the world to reanimate, you might say, the present cause of freedom in other countries, and we put forward a proposal which is somewhat radical, and I don't pretend that it will bear directly on your problem, but I think, as background, it may be useful.

First of all, we felt that it is essential to recognize that immigration policy is not something that can be separated from economic policy. I think a good deal of harm is done to our conceptions of freedom by people who argue immigration policy on sentimental grounds—either that they are prejudiced against certain peoples; or, on the opposite side, they feel that the United States should be friendly and should welcome everyone. To me, those are not really the criteria that should be applied, that we have to develop an immigration policy that will coincide with, and reinforce whatever our economic policies are. I realize that this Commission is not concerned with the economic policy of the United States; nevertheless, I would hope very much that in your final report you would make the connection clear that in the final analysis the judgment of our immigration policy must rest upon our economic objectives. That is the first point I wanted to make. It is a very general one, but I do feel that a good deal of damage is done to the formulation of an intelligent immigration policy by persons—many of them my friends, very liberal-minded people—who advocate the immediate and across-the-board abolition of all restrictions. I don't myself feel that that is an intelligent way to go about it. I think it would cause a great deal of damage. I am in favor of a policy of restriction, but arbitrary and wholesale restriction is just as bad as too much liberalization.

What this paper urges is that we begin to formulate our immigration policy on the basis of our economic objectives. Now, in that issue of Fortune we made the proposal, which is a little difficult to outline very briefly here, that we should turn to certain countries which are manifestly struggling for the free way of life against great difficulties, and make them a kind of an offer of a free-trade area, set out with them a

free-trade area, perhaps set it up gradually. And in this offer, an offer which would be a sort of a package—in other words, it would include several elements. On our part we would ask them to take some serious measures in the direction of reestablishing a free, capitalistic system in their economy, and in our quid pro quo would be free trade and free immigration with those particular countries. In short, I am in favor of a liberalization of our immigration laws in special cases, and, after a good deal of thought, in this issue of *Fortune*, we felt that the traditional policy as followed, let's say, by former Secretary of State Hull, of granting across-the-board a most-favored-nation treatment to everybody, was a self-defeating policy. We must not change our policy to make specific agreements with specific nations. Those nations which would come with us, most enthusiastically and most effectively in the recreation of a free, capitalistic system would get benefits which other nations would not get, and, among those benefits, would be a very free immigration.

It so happens that the nations with whom we would obviously begin such an undertaking, that is to say, the nations of the British Empire, and Western Europe, are not the most difficult nations in respect to immigration, they are not planning to flood us, and, as a matter of fact, if there were no quotas at all, I doubt that the rate of immigration would go up very much in those particular cases. So that I feel that there is an opportunity here on which I would be glad to expand further, but I don't want to take too much of your time, to set a policy that would create a great deal of hope in the world: that we in America were willing to expand our free market and our free immigration in cases of countries that would work in the direction of the further development of free capital; that this would formulate, at a very small price to us in terms of an immigration problem, a new idea in the world, and thereby try to free people. I think it would have a great effect behind the iron curtain because those people would understand, if they could ever shake themselves loose, these same benefits would be available to them.

Now, that is a very quick and rough résumé of the ideas that I have in this short document.

The CHAIRMAN. That would contemplate that we would pass on the nature of the government, that might be in existence, with some country that wanted to come under some umbrella that you would call a package.

Mr. DAVENPORT. Yes, of course, to a certain extent, but not in terms of dictation; in other words, it is a free and open offer. Those who really believe.

The CHAIRMAN. Whether they were qualified to get the benefits that we would hold out to them is a question that we would have to determine.

Mr. DAVENPORT. Yes, we would have to determine; we are making the offer. But it is an offer, and it is an open offer, and nobody has to accept it, nor are we going to punish anyone that doesn't accept it.

The CHAIRMAN. Except by exclusion.

Mr. DAVENPORT. Well, except by the continuation of policies which we have now had in effect for a great many years, but, on the other hand, we must do something to encourage the growth of what we believe in. I think ECA showed that something can be done, when ECA with very limited policy—I think we should be searching for

something new and bigger, and it seems to me that in our immigration policy we have great opportunity.

I would like to point out one thing, Mr. Chairman, and that is in regard to what must be familiar to you, but I think it is worth while to stress it, that the intimate connection between a free economy and free immigration and emigration here in the United States—it is axiomatic that between the States we have free trade, and that is really the basis of our economic strength—that enormous mass market which is built up by free trade. But the free trade categorically requires free immigration. If we were to block immigration and emigration, let's say, between the States of Michigan and Mississippi, we would introduce economic distortion into the economics of Michigan and the economics of Mississippi, because the economic imbalances aren't taken up and compensated by the flow of population from one place to another, and, consequently, in thinking of an immigration policy—this is what I meant—we must think of it in relation to our economic policy.

If we are going to have an economic policy of exclusion and high tariffs maintaining the economic imbalance of the world, then it seems to me to follow that our immigration policy should remain restricted, and we will find ourselves little by little digging ourselves into a deeper hole and becoming more and more isolated, and less and less able to make a free system work. If, on the other hand, we have got the courage to begin to work toward a free-trade system with certain peoples similar to our own domestic free-trade system, then in order to make that work we must adjust our immigration policy accordingly. I think there is a very close relationship there, and my feeling is—without going into all of these suggestions that I have made, which, perhaps, from your point of view are a little wild—that if the Commission—

The CHAIRMAN. I wouldn't say that. I think they are very interesting, and I certainly appreciate your bringing them to the attention of the Commission.

Mr. DAVENPORT. But, as I say, without going into them, I feel most strongly that the Commission would render a great service if it pointed to that intimate tie between the economic policy and the immigration policy, and made the point that we should not judge immigration on either prejudice or sentiment. We have to protect ourselves, but what do we mean by protection? What we really mean by protection it seems to me, in these days, is to find a way to expand our free way of life—that is the greatest protection we could have; therefore, let's adapt our immigration policy to a certain extent in special cases to that requirement. That is the gist of what I have to say, Mr. Chairman.

The CHAIRMAN. Is it that you do not consider that has been accomplished in existing legislation?

Mr. DAVENPORT. I certainly do not. I don't think the existing legislation—without being an expert on it, but I don't think one has to be—has even got that thought in it. It seems to me to be a web of prejudice, and rather arbitrary conclusions—reached sometimes by compromise or however they are reached—they are quite arbitrary and very full of prejudice.

I don't see the rationale of the existing legislation except this one point: that we must protect ourselves, and that is all the way through

it. But I would disagree with the definition of the word "protect" because I think we can protect ourselves only by providing for expansion and not by providing for contraction.

Commissioner O'GRADY. Don't you think that we have the nucleus of what you are talking about in the ECA and Mutual Security legislation whereby they set aside a certain part of Mutual Security funds this year for precisely—for making a beginning in doing that, for tying it up with our program of stabilizing the economy of certain countries?

Mr. DAVENPORT. I agree completely. I make that point in my paper: that the ECA policy was, in a certain way, a beginning in this direction. The ECA policy, I feel, aroused the Western World. It was a tremendous thing, it was a new idea, and it indicated that America was going to do things to encourage people who were working for freedom. But it was a limited policy, and it had this particular disadvantage, which I think this Commission could well speak to: ECA was purely, or almost purely, an economic policy, and it proceeded by giving funds, by the transfer of funds and credits and so forth to other countries, and its chief instrument was the government of those countries. ECA had, therefore, a certain tendency to entrench existing governments and administrations, existing forms of government. It had relatively little to weaken the trend toward socialism, or, let's say, to use a less controversial word, the trend toward governmentalism, which has been very strong the last 50 years, especially in Europe because the governments, in effect, got the money and handled the money and got the credit.

Now, what I am saying is that we should concern ourselves with peoples, not with governments, and that our concern is that the British people, or the French people, should be able to dig themselves out of their hole by their own energies through the setting up of certain incentives which are familiar to all of us in America—we have economic incentives. The only way to do this, that I can see, is to set up a free market system, or aim in the direction of a free market system with those countries, and that, in turn, unless there is going to be very severe economic dislocations, involves a free economic system with those countries. In other words, I am merely proposing a next step after ECA.

Mr. ROSENFELD. I wonder if I could ask one question. Just to see if I can get your point. Is your point that the national origins system of the present law isn't conducive to the ultimate preservation of our capitalist free economy, and that that can best be achieved by specific arrangements with specific countries which do agree to that system, and which give in exchange a free economy based on a free immigration?

Mr. DAVENPORT. That is correct, essentially. I think the national origins system—of course, my proposal doesn't depart from that, there is still the principle of a national origin, but I just go this much further: that if, where you want to set up a free-trade system with a country, a free system—if you keep up your immigration restrictions you cannot do it, it won't succeed. Therefore, it follows—the premise being that we want to set up, we want to encourage the development of free capitalism in France. Well, it follows, therefore, that we must have free immigration with France; otherwise, the economic imbalances will remain.

The CHAIRMAN. Thank you very much, Mr. Davenport.

Commissioner FINUCANE. May I just ask what was the issue of Fortune you referred to?

Mr. DAVENPORT. That was February 1951, and, in my prepared statement, are extracted the relevant passages.

The CHAIRMAN. Our next witness is Mrs. Mildred McAfee Horton.

**STATEMENT OF MRS. MILDRED McAFEE HORTON, FORMER PRESIDENT OF WELLESLEY COLLEGE AND MEMBER OF THE GENERAL BOARD OF THE NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE UNITED STATES OF AMERICA**

Mrs. HORTON. My name is Mrs. Mildred McAfee Horton. I was formerly president of Wellesley College and am a member and officer of the general board of the National Council of the Churches of Christ in the United States of America. I am appearing here entirely as an individual, but I am attaching to my prepared statement a statement which was adopted by the general board of the National Council of the Churches of Christ. I took the part of any other member of the board in the deliberations on that statement, but I am not authorized by the board to speak on its behalf.

The CHAIRMAN. Do you know that Mr. Chandler testified here this morning?

Mr. HORTON. I do.

The CHAIRMAN. He was speaking on behalf of that council.

Mr. HORTON. May I, therefore, submit this statement in writing, and just make one or two observations instead of reading it?

The CHAIRMAN. I would appreciate it if you would do that.

(The prepared statement submitted by Mrs. Mildred McAfee Horton follows:)

My interest in immigration problems was brought into focus during my years as president of Wellesley College when we joined with all other colleges in encouraging foreign students to study in this country. Since my resignation from that position I have continued to be interested in the problems of foreign students, especially the Chinese young people of whom I have heard in connection with the United Board of Christian Colleges in China of which I am president.

As an officer of the National Council of Churches and as a church woman who has known personally a good many people who have worked with resettlement of European refugees, as a brief visitor to the refugee camps in Jordan and Lebanon, I have been interested in these phases of immigration policy which are concerned with the entry into this country of refugees and displaced persons.

Attached to this statement is one with which I am sure you are already familiar, the statement on United States immigration and naturalization policy adopted by the general board of the National Council of Churches of Christ in the United States of America on March 21, 1952. With its findings I am in agreement and what I say this morning is intended to underscore its recommendations as I understand them, though what I say is my personal and unofficial opinion.

**THE NATIONAL COUNCIL STATEMENT**

The statement calls for emergency legislation to complete the displaced persons program to which our country is committed. It calls for the kind of long-term revision of immigration laws which I understand is being studied by this Commission. Indeed, the establishment of just such a Commission was recommended in this statement of last March. Without going into details, the national council statement suggests that (1) the Congress should make the quota system more flexible, letting unfilled quotas be pooled so that we admit each year the full number of immigrants permitted by law; (2) within the quota

system all discriminatory provisions based upon considerations of color, race, or sex should be removed and (3) the Congress should establish a system of fair hearings and appeals respecting the issuance of visas and deportation proceedings.

I concur in these recommendations because it seems to me that they support an immigration policy which is in line not only with moral and religious principles but with the best interests of the United States.

Let me make two general criticisms of recent practice or policy.

*I. Our policies (or their administration) have alienated us from parts of the world whose good will is important.*

It looks to me as though our legislators have succumbed to a fear of aliens which has threatened to neutralize efforts to express friendliness in other ways. With one hand we offer point 4 aid and expend Marshall plan funds. With the other we treat aliens in our midst as though we wanted no contact with the people we purport to aid or whose aid we covet! Witness NATO agreements on the one hand and quotas of 5,645 Italians, 308 Greeks, 225 Turks. Is it any wonder that people who feel themselves discriminated against as "unwanted," "undesirable immigrants" should be skeptical about our efforts to win their cooperation in international affairs?

Americans like to think of themselves as great humanitarians. At long last we admitted some 395,000 displaced persons, victims of war, but only when we were assured that nobody would be inconvenienced by their arrival except people who volunteered to assume responsibility personally for the strangers in our midst. We established such standards for entrance as made us look less enlightened and friendly than some of the European countries whose burdens were relatively far greater than the ones we assumed. We were eager to welcome able-bodied laborers to fill vacancies in the labor supply. I wonder if we have carried our fair share of the world's handicapped.

The limitation of immigration under our present quota system is based, I suppose, on the assumption that larger numbers of people, not selected from the racial and national groups we prefer, would in some way work to our disadvantage. I am afraid that in the interests of selfishness we actually threaten our well-being by building up resentments overseas. We seem to imply that our standard of living is more sacred than other peoples' chances to live. Experience with the displaced persons who have been admitted suggests that they have done nothing to reduce our standard of living, but avowedly they were a hand-picked group. Private religious agencies have helped limited numbers of unfortunate people, economic risks, but we seem to have had a governmental policy less sensitive to human suffering than some of us wish we might have had.

Shortly after my return from a very brief visit to the Near East we had a good deal of newspaper publicity about the arrival of the two hundred and fifty thousandth displaced person to be admitted to this country under some one of our programs. We agreed to the establishment of Israel which involved immigration into neighboring Arab States of some 875,000 refugees and the immigration into the tiny geographic area of Israel of hundreds of thousands a year. We were naively willing to contribute to bitter tension and, indeed, to bloody war as far away as Palestine while we protected ourselves from the problems of any large-scale immigration. By doing so, we have jeopardized our reputation in the Middle East and failed to endear ourselves as a nation to hundreds of thousands of Europeans who looked for asylum to America.

*II. Too often we have treated the aliens we have admitted as though they were guilty of intrusion instead of being welcome additions to our national life*

I am told that some students who have applied for an extension of their visas have had no reply to their letters and then been arrested for exceeding the time permitted by their visa. Students have been sent to Ellis Island and detained for several days before they could make contact with friends whose language facility enabled them to clear up minor visa irregularities. Delays in getting answers to questions which seem reasonable to American friends serve to irritate and confuse foreign students. One adviser to a group of such students told me recently that several of them have dual nationality. She said that it almost seems that whichever nationality could make life harder would be the one which immigration authorities insist upon using. In immigration affairs it seems too often that there is a presumption of guilt instead of innocence.



## REQUEST TO THE COMMISSION

I accepted your invitation to this hearing in order to urge the Commission to recommend revisions in our basic immigration law which would tend to make our policy less exclusive, more cordial to newcomers to our shores. I do this because in my opinion policies of exclusion, of arbitrary and unreasoned restriction, of discriminatory selection, of unfriendly suspicion are unworthy of our American past and actually dangerous for our future. In my opinion America has been acting scared instead of strong. We are afraid of enemies and in our fear we have begun to treat all strangers as threats to our security.

Educators have long followed two divergent practices in the area of discipline. Some institutions have established rules which unnecessarily limited strong and independent students in order to protect weaker ones who might make a mistake if they were not told the proper way to behave. Other institutions have permitted freedom to the strong and tried to teach the weak how to live in that freedom. My impression is that the Nation has been moving in the direction of the first kind of protective custody in which at many points we have tried collectively to safeguard our weak selves from the hazards of contact with danger. It is a most natural tendency in time of danger, but I am of the school which believes that it does not develop fundamental strength.

My impression is that our immigration and naturalization policies have been designed in recent years—indeed ever since the adoption of what I personally consider our pernicious national origins quota system—to protect us from unwelcome competition and the difficulty of adjustments to newcomers unlike our dominant majorities. I think that effort is an affront to America's fundamental strength.

Undoubtedly there are some among us who are weak in their understanding of, and allegiance to, our heritage of responsible freedom. Let us be protected from them by dealing with them individually when they show themselves subversive to our community welfare. Let us be daring enough, however, to demonstrate to the world that America is strong enough to be herself, a country so rich and fertile and, compared to most parts of the world, so underpopulated that it can afford to be hospitable to the dispossessed of the world.

I speak only for myself but I truly believe that I express the views of many among us—more numerous than vocal—who are not afraid to expose our ideas and, indeed, our economy to the pressure of immigration of people without regard to race, color, sex, or indeed national origin. We think our ideas and our type of capitalistic economy strong enough to endure pressure in the interests of humanity. I think I speak for many who would like to have America known again all over the world—and without regard to those factors over which the individual has no control—as a place which welcomes the tired, the poor, the “huddled masses yearning to breathe free.” If, in welcoming these, we happen to admit a few subversives I think the latter will be easier to control than they would be in a land which becomes too fearful of its own capacity for freedom. I want the Commission to know that there are people, and many of them, who are more afraid of losing the friendship of our friends and potential friends than we are of the threats of our enemies. There are people (and many of them) who believe that America is safest when she generalizes the principles she accepts for herself and takes seriously the idea that “all men are endowed by their Creator with certain unalienable rights” including “life, liberty, and the pursuit of happiness.” Immigration and naturalization policies which thwart those rights for the rest of the world will not permanently strengthen or safeguard the United States of America.

STATEMENT APPROVED BY GENERAL BOARD OF THE NATIONAL COUNCIL OF THE  
CHURCHES OF CHRIST IN THE U. S. A., MARCH 21, 1952, ON UNITED STATES IM-  
MIGRATION AND NATURALIZATION POLICY

The plight of the world's uprooted peoples creates for the United States, as for other liberty-loving nations, a moral as well as an economic and political problem of vast proportions. Among these peoples are those displaced by war, and its aftermath; the refugees made homeless by reason of Nazi, Fascist, and Communist tyranny and more recently, by military hostilities in Korea, the Middle East, and elsewhere; the expellees forcibly ejected from the lands of their fathers; and the escapees who every day break through the iron curtain in search of freedom. These persons long for the day of their deliverance and for the opportunity to reestablish themselves under conditions of peace and promise. A problem of equal urgency is involved in the surplus populations that

cannot now be supported by the economies of their respective countries. The pressure exercised by these surplus people is of a kind seriously threatening the stability and well-being of the entire world.

The National Council of Churches sees in this situation an issue that can be resolved only as nations, collectively and separately, adopt policies dictated by considerations not only of justice and mercy, but also of sound mutual assistance.

On the international level, we believe the United States for moral reasons, as well as in the interest of its own economic and political security, should remain steadfast in its purpose to cooperate with other nations in meeting the needs of displaced persons, refugees, and surplus populations. Through the United Nations, the United States contributed generously of its resources in the work of the International Refugee Organization. Likewise, the United States is participating in the activities of the Office of the High Commissioner for Refugees, the United Nations Korean Reconstruction Agency, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Our country, through the United Nations, and in other ways, assisted in providing a haven in Israel for many thousands of Jewish refugees. More recently the United States joined with 16 governments in the creation of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe. The purpose of this Committee, in part, is to continue, for a limited period, the migration activities previously carried on by the International Refugee Organization.

The National Council of Churches rejoices in the knowledge that the United States, as a member of the family of nations, is a party to these humanitarian endeavors. We believe our country, either through existing agencies, or through a single over-all international body under the aegis of the United Nations, should continue to press for a solution of the many problems related to displaced persons, refugees, and surplus populations. We would vigorously oppose any action by Congress which would hinder, in any way, the operations of these international agencies or which would diminish the participation of the United States in them.

On the national level it is desirable that Congress adopt such emergency legislation as may be required fully to complete the displaced persons program to which our country is committed. This legislation should provide for the admission to the United States of (a) those who were processed under the Displaced Persons Act but for whom visas were not available on December 31, 1951, (b) an additional number of persons of those groups for whom a clearly insufficient number of visas were provided in the original legislation, and (c) our fair share, under proper safeguards, of those who have escaped from behind the iron curtain subsequent to January 1, 1949, the cut-off date specified under the displaced persons legislation. The additional visas here recommended should be authorized within the period ending December 31, 1952, and should be granted without regard to sectarian considerations.

If and when Congress takes action along the lines here indicated it is our position that no further legislation of an emergency character be enacted. The time is past for dealing with these matters on a piecemeal and emergency basis. Rather, it is imperative that United States policy be now shaped in accordance with the long-range requirements of the problem.

The National Council of Churches has taken note of the fact that legislation is pending in Congress looking toward the revision of our immigration and naturalization laws. We believe it is of the utmost importance that legislation be enacted that will conform with our democratic tradition and with our heritage as a defender of human rights. The adoption by Congress of enlightened immigration and naturalization laws would add immeasurably to the moral stature of the United State and would hearten those nations with which we are associated in a common effort to establish the conditions of a just and durable peace.

We do not propose at this time to pass judgment on the specific details of the proposed legislation, many of which are technical and legal in character. We believe, however, the views hereinafter set forth are in accord with the convictions of our constituent communions.

One: The Congress should make the quota system more flexible. Under existing legislation, provision is made for the possible admission to the United States, each year, of 154,000 immigrants. For one reason or another, the quotas assigned to many countries are not now being filled. We believe serious consideration should be given to the pooling or adjusting of unused quotas in order to facilitate family reunion, to provide skills needed in our country, and to offer asylum to persecuted victims of totalitarian regimes. While any permanent solution of the problems of overpopulation can be effected only by basic economic

and social adjustments within the countries concerned, it seems clear that migration opportunities, however limited, can be a helpful factor in easing the tensions occasioned by surplus peoples.

Two: The Congress should complete the process of amending immigration and naturalization laws so that, within the quota system, all discriminatory provisions based upon considerations of color, race, or sex would be removed.

Three: The Congress should establish a system of fair hearings and appeals respecting the issuance of visas and deportation proceedings. It is right and proper that Congress shall approve such precautionary measures as may be required to ensure our Nation against the infiltration of individuals hostile to the basic principles of the Constitution and institutions of the United States. We believe this end can be achieved without the imposition of such measures as would violate the American conception of justice.

We believe the people of our churches would welcome the establishment of a national commission to study with due regard for our international objectives, the problem of population pressures throughout the world, and the possible bearing of these pressures upon our immigration policies.

Mrs. HORTON. I think it only fair to say that the only personal connection I have with this issue grows out of a college where we encourage foreign students to come; my contact with the United Board of Christian Colleges in China, which is undertaking, since we can't get into China any more, to help Chinese students in this country; and my experience with churchmen who have been working on this matter of refugees. Nothing that I could say will add anything, I am sure, to what Mr. Chandler said about that. But I would just put it in these terms: That my criticism, out of these personal experiences which are more or less indirect, but very personal—my criticism of our present legislation is that it has seemed to me actually to alienate our friends around the world rather than to strengthen our friendships, and that we have almost presumed the guilt of, for instance, some foreign students that we have known, instead of treating them as welcome visitors to our shore and thus creating better will.

It has seemed to me that it is time for groups in this country to be vocal, who share the concern of all other groups, for the protection of our country, but, generally, we fear more the threats of our friendship than we do the loss of our enemies. I would say that my position in this is fundamentally that I hope this Commission will consider as one of its very important strands for its consideration the recognition of the fundamental good will of vast numbers of Americans toward people of foreign origin.

At the present moment it looks to me as though our immigration laws presumed that we don't want people who are different from us, and when they get here, and even in our mere mechanical details with them, make it terribly complicated. A British friend came over to visit us this summer. She said that the number of forms she must fill out, the detailed letters—she must have gotten the implication somehow: "You are going to be a subversive element, and we are going to catch you if we can." That is not conducive with what we are concerned, and I think genuinely and honestly trying to express in other national policies.

I think the gist of what I really want to say is that there are a good many of us in the United States who believe that our strength is such that we would do better to gamble a little on behalf of possible hazards to our own safety rather than try to use the protective device of preventing ourselves from being exposed to danger. We can simply not save ourselves from exposure to danger in this kind of a world. It seems to me that the educators who decide that they will make

regulations for students, which are good for strong students, and then try to help weak students learn to live within them, that that is a better device than that of the legislator who legislates for the weakest and expects the strongest to adjust to it.

I simply feel that our immigration laws have been built up on the assumption that somebody is going to try to do us dirt, and that we must be protected against those people no matter how many other innocent people we injure, and that we fundamentally don't build to our own strength by that process.

The CHAIRMAN. Thank you very much.

Commissioner O'GRADY. I find the views you have expressed especially in regard to educating the American people to these matters, to be very interesting. Have you any suggestions you wish to make along that line?

Mrs. HORTON. I think, Monsignor, we are in a position at the present moment of psychological panic, as, I think, we all know, in our country. I think what I am advocating here is that some of the people, and very specifically the church groups who are concerned about this from a fundamentally political point of view, granting all the other economic and other points of view, but I think perhaps we need such forums as this for the people who are concerned about this from the point of view of humanitarian relations with mankind—to speak out so that it will not be considered dangerous nor hazardous to make this kind of a statement.

Mr. ROSENFELD. Mrs. Horton, I have noticed that the general board of the National Council of the Churches of Christ has taken a position on this matter. All I have seen is what appeared in the paper, where point seven was advocacy of "revised immigration and naturalization laws so that a larger number of refugees, regardless of color, or creed, or national origin, can begin a new life on our soil."

I don't mean to press you on a point, perhaps, which you might not wish to discuss, but was there any general assumption in the National Council of the Churches of Christ in connection with the national origin system?

Mrs. HORTON. My memory is that the statement attached here does not stress that, but that within the quotas these other discriminations should be eliminated. I am sure some of us would like to go along with that quotation, which I think is a little inaccurate, to modify the national origin law, if, for nothing else, on the principle that if you want the Turks to help you in NATO it isn't smart strategy to say: "We don't like the Turks, or to admit more than 225 into the United States." I think that, personally, is poor human relations if you want to get people to work with you; but from the other point of view my personal feeling is that the fact that the whole trend of human experience was such that very few Turks came over here from 1920, that that is no real reason for saying now that we think they are undesirable citizens.

It would seem to me personally that the whole assumption that we are basing our numbers on the percentages of people here at a certain date in our human history is really just an awfully backward-looking procedure for a country that is now looking forward instead of back.

The CHAIRMAN. That is not a new procedure though.

Mrs. HORTON. No, sir, I realize that, but you are considering the need for revising the whole system, aren't you?

The CHAIRMAN. We are making a study and evaluation of the system. But I am thinking about the recent legislation that repeated principles that had been adopted, well, 20 or 30 years ago.

Mrs. HORTON. An old practice. I think many of us were tremendously disappointed that when a new codification was being made that we didn't go really fundamentally into the question of what role we want America to play in this tremendous, complex world population problem where we have tremendous overpopulation and where we have been willing to let other parts of the world carry burdens which, personally, I think, some of us think we should have helped to carry.

I came back recently from a trip to the Middle East, for instance. We have proudly, as a nation, made our gestures of good will toward the State of Israel, and let that little country carry problems of immigration which are far too big for us with our strength to carry, and we would let the problems created there affecting refugees into the Arab States develop with our blessing because we could take 395,000 displaced persons, but it was just lovely, so far, far away where we didn't have to see it, to let another country take a job which was in large part a job of ours too.

It seems to me that kind of maintenance of a part, pattern of exclusion in our immigration policy, when we are not so strong, is not building up the good will which I think we ought to build up in this world.

The CHAIRMAN. If a change should be made in our immigration policy as you suggest, you must obviously have in mind the need to orient the American people to your way of thinking, instead of the thinking of those who have been responsible for legislation that has been on our books for many, many years, and which, apparently is acceptable to very many people?

Mrs. HORTON. Too many people.

The CHAIRMAN. Because in this new codification it is continued.

Mrs. HORTON. Mr. Chairman, I think my answer would have to be in very long-range terms, but I think the process of religious and intellectual education is one which is a long, long process, but one on which our whole democratic principles are based, and the better job we do through our church and our school in building for friendship, instead of for terror, the sooner we can come to the kind of legislation which I am personally advocating, and I shan't be at all surprised if you can't go as far right now as I wish you could.

Mr. Chairman, may I say in more seriousness this: That my conviction from my contacts with churches across the country, which has taken me into a good many interfaith programs of one sort or another, is that there are a good many more people in the United States who have a good will toward the rest of the world than are vocal in expressing it. I think it is our business to see that that point of view is more freely expressed in the Halls of Congress as well as the point of view of people who are genuinely, and in all sincerity, advocates of this other policy of a kind of self-protection, which, as an educator, I simply just don't think will work, see.

The CHAIRMAN. Yes. But some of those that are in Congress apparently don't have that opinion that you have of the belief of their constituents.

Mrs. HORTON. Yes.

Mr. ROSENFELD. If you will permit me to pick up one word you said—that you hoped the Commission would go as far as you would like to go—would you mind enlightening the Commission?

Mrs. HORTON. I would certainly go to the point, as this statement suggests, of establishing an over-all number of people, and then permitting unfilled quotas to be pooled so that people from quotas not filled will not create vacancies. In other words, so that we would always take at least the number of immigrants that we would say we could take if everybody came under his own quota—I should like to see that kind of flexibility. I should like to see whatever discriminations that are directed against Asians, for instance, removed, so that, in addition to having a quota for Asians, they are not treated differently from other people coming in; so that, as I understand it, if a man is 50 percent Asian he must be counted on an Asian quota rather than letting his nationality be counted as it ordinarily is. All those that pick out certain categories and mark them as people who are not going to stand on their own merit as individuals, but must have special treatment, as though they are invidious, somehow I think should be omitted from our national policy.

Commissioner PICKETT. I would like to know, Mrs. Horton, whether you have given any attention to the question of overpopulation, and our responsibility in regard to overpopulation of a country which is almost sure to be in constant turmoil because of that fact?

Mrs. HORTON. I gave attention only to this extent: that on one occasion I looked up the relative populations of specifically Israel and the rest of Palestine, and found that there are 10 States in the United States, as I recall it, in which we have a population of less than 10 per square mile—some such figure as that. Now they are not the States which would normally support a big population, but to the layman, who makes no pretense at being a geologist, they look just as good to me for cultivation as the territory in Palestine, which is undertaking to solve this problem. My personal feeling is that the pressures of populations in the world are such that it is just fantasy for the United States to think that we can maintain the kind of enormous discrepancy between our population and that of the rest of the world for an indefinite period.

Commissioner PICKETT. May I ask another question: Do you think that the United States should discriminate in its legislation in any sense on the basis of color, or race in immigration?

Mrs. HORTON. My personal feeling would be no; that is, that we are too strong a country in our fundamental convictions to make us have to be afraid of these categories that nobody can control. I think, indeed, Mr. Pickett, that one of the more rolling phrases that I use in this statement, which I think I can remember, is that I think there is a good group of us here in this country—numerically good I mean—a fairly large group who think we really ought to generalize on the principles on which America is founded, and who really do believe that “all men are endowed by their Creator with certain unalienable rights” and that as long as the United States does things which thwart the “life, liberty, and the pursuit of happiness” of large groups of people within the world we ourselves can't be safe from the results of it.

The CHAIRMAN. There are a lot of people in the country who disagree with you.

Mrs. HORTON. I am quite sure that is true, but I truly do believe that this point of view which I am expressing is shared by a great many people, and should be heard in your deliberations.

Commissioner PICKETT. This Commission, for instance, might have to face this sort of a question: Suppose that we advocated a policy which when applied would mean that we would admit to this country half of the Arab refugees from the Middle East. Now would you be willing, as an American citizen, to have that happen? I mean that is the kind of question we might have to face.

Mrs. HORTON. I think, Mr. Pickett, that if I had never seen refugees anywhere I might be hesitant about it; having seen them, and then having driven across this country from California to New Hampshire this summer, and seeing the relative expanse of space and opportunity that we have, compared to the ones in which they are living, I think I would now want to go along with as radical a policy as that.

The CHAIRMAN. Thank you.

Mrs. HORTON. Thank you very much.

The CHAIRMAN. Before our next witness arrives, perhaps we can hear Mr. Wladyslaw Szul.

#### STATEMENT OF WLADYSLAW SZUL, CHAIRMAN OF THE POLISH EX-SERVICEMEN'S ASSOCIATION FOR EMIGRATION TO THE UNITED STATES OF AMERICA IN GREAT BRITAIN

Mr. SZUL. My name is Wladyslaw Szul, and I represent the Polish Ex-Servicemen's Association for Emigration to the United States of America, in Great Britain.

The CHAIRMAN. Do you just want to submit a statement?

Mr. SZUL. Yes, I have a memoranda on the problem of Polish veterans residing temporarily in Great Britain who are anxious to emigrate to the United States.

The CHAIRMAN. It will be inserted into the record.

Mr. SZUL. Thank you.

The CHAIRMAN. Is there any other testimony you wish to give?

Mr. SZUL. I have put my reasons in the memorandum. Is it enough?

The CHAIRMAN. It is enough unless you had something else you wanted to say about it.

Mr. SZUL. Nothing special.

(The prepared statement of Mr. Wladyslaw Szul on behalf of the Polish Ex-Servicemen's Association for Emigration to the United States of America in Great Britain follows:)

#### MEMORANDUM ON THE PROBLEM OF POLISH VETERANS RESIDING TEMPORARILY IN GREAT BRITAIN WHO ARE ANXIOUS TO EMIGRATE TO THE UNITED STATES OF AMERICA, 61 WARWICK ROAD, LONDON, S. W. 5, ENGLAND

SEPTEMBER 25, 1952.

The Polish Ex-Servicemen's Association for Emigration to the United States of America in Great Britain being the only Polish organization which represents the interests of Polish refugees in England wishing to emigrate to the United States of America State Department certain facts connected with the Displaced Persons Act of 1948, as amended, Lodge amendment.

Since 1949 our association has been dealing with the United States of America immigration problems of Polish ex-servicemen who have been qualified under the Displaced Persons Act of 1948, as amended, and has been in touch with the United

States of America Embassy in London and with the United States of America consular officers all over Great Britain.

The Lodge amendment, which provided for the admission of 18,000 Polish veterans from Great Britain into the United States of America of Polish ex-service-men has been received by them with gratitude.

Unfortunately not all of them could benefit from the provisions of the Lodge amendment as many of them had not registered with a United States of America consular officer prior to June 16, 1950.

There were many formalities which prevented them from obtaining a United States of America immigration visa before December 31, 1951, the day of expiration of the Displaced Persons Act of 1948, section 3 (b).

First, the date June 16, 1950, being the time limit for those wishing to benefit from the provisions of the Lodge amendment, unabled many of them to be qualified under that amendment as they could not manage to register for immigration with a United States of America consular officer in Great Britain up to June 16, 1950.

As generally known the Lodge amendment to the Displaced Persons Act of 1948 was finally passed in 1950 and signed by President Truman on June 16, 1950.

The instructions and all the technical details and the signing of the amendment into law issued by the United States of America State Department in Washington, were not brought to the notice of many Polish veterans residing in the remote working hostels in England until autumn 1950.

Therefore through no fault of their own they failed to register for immigration to the United States of America prior to June 16, 1950, as required by the law. Consequently they could not obtain a United States of America immigration visa under the Displaced Persons Act of 1948, as amended.

According to reliable sources the number of those who have been registered with a United States of America consular officer in England after June 16, 1950, amounts to 5,000.

During the period 1950-52 a few thousand families of the Polish veterans arrived in the United Kingdom from South Africa and the Middle East. The majority of them want to emigrate to the United States of America.

They possess all the qualifications required by the Displaced Persons Act of 1948, as amended, except one—namely, they were in no position to register for immigration before June 16, 1950.

In these circumstances we appeal to the President's Commission on Immigration and Naturalization to enable the remaining few thousand Polish veterans in England who still wish to emigrate to the United States of America to benefit from the still available 7,000 United States of America immigration visas from the 18,000 originally designated to them by the Displaced Persons Act of 1948, as amended. Among those registered for immigration to the United States of America later than June 16, 1950, are many former members of the Polish Home Army who at first were not conscious of the fact that they could benefit from the provisions of the Displaced Persons Act of 1948, as amended.

The Polish veterans in England who are disciplined anti-Communists and diligent, sincerely trust that the few thousand visas still available under the Displaced Persons Act of 1948, as amended, will be designed for those who could not manage to register for immigration with a United States of America consular officer in England prior to the signing of the law by President Truman, i. e., June 16, 1950.

They truly deserve it.

ADAM ADLER,  
*General Secretary.*

WLADYSLAW SZUL,  
*Chairman, 29½-296 Market Street, Perth Amboy, N. J.*

The CHAIRMAN. Miss Mary G. Reagan is our next witness.

#### STATEMENT OF MARY G. REAGAN, REPRESENTING THE COCA-COLA EXPORT CORP. IN NEW YORK

Miss REAGAN. My name is Mary Reagan, and I work for the Coca-Cola Export Corp. in New York. We have a number of problems in immigration and naturalization, and there are one or two points in the new act on which we would like to express an opinion if we may.



The CHAIRMAN. Go ahead. Would you keep your voice up because I imagine there are a number of people here who would like to hear what is being said.

MISS REAGAN. Mr. Chairman, and members of the Commission, we have a number of employees in our company, as most companies engaged in foreign trade have, who are anxious to become American citizens, but who, because of their very specialized training and education, and aptitudes are most useful to American business if they are assigned abroad.

Now these people who come to the United States with every intention of becoming American citizens, and who serve American companies abroad, usually, in the past have taken advantage of section 312 of the act of 1940, which, as you know, is that section which allows certain classes of individuals to be absent from the country. Now, as we understand the new act, I believe it is section 312 which is the pertinent section. It is going to be considerably more difficult for such people to obtain their American citizenship if they are employed abroad. Now we think that the Commission might give some consideration to liberalizing the situation, at least making it as liberal as it was under the 1940 act for aliens who have expressed a bona fide intention to become American citizens if they go abroad, as most of them do, for indefinite periods in the service of American companies. The 2½-year actual residence in the United States prior to the filing of a petition will make quite a considerable hardship for those people, and we would like to see regulations which would permit their being present in the country for a year, and then going abroad, and some regulation by which their intention could be, you might say, maintained, even though they are absent and they could, by virtue of their employment with the American company, in the interest of American foreign trade, maintain a sort of constructive residence. So that when the American company finds it possible to bring them back to the United States, they can then acquire their naturalization without having to spend this actual period of 2½ years immediately prior to the petition for naturalization. We wish that you would give that your consideration.

The CHAIRMAN. How many people do you think are concerned with that?

MISS REAGAN. I understand that there are quite a number of people now. In our company there are probably six or eight, which is rather a large number for a single company, but I understand with the continuously expanding American operations abroad that there are a sizable number of people who are affected by this.

The CHAIRMAN. What do you mean by "sizable number"?

MISS REAGAN. You may have 100 American companies which are operating abroad, and each one of those has five men who wish to become American citizens. There are 500 people during the given period who cannot serve that American company to the fullest extent of their particular capabilities unless they come back to the United States and spend 2½ years.

I think it is a point which could be given consideration to, because the old act, as I say, did give it consideration, and the new act it seems is tightening up to the disadvantage and to the hardship of men who are genuinely devoting their entire lives really to the best interests of American business, only they happen to be located abroad, outside the country.

The CHAIRMAN. Well, they are aliens who came in and lived here for a time, worked here for a time, and then they go abroad to the country where they can have most benefit to the company in which they are working, and then eventually they want to come back and be American citizens.

Miss REAGAN. Settle here, bring their children up here, and retire here.

The CHAIRMAN. But there can't be very many in that category, can there?

Miss REAGAN. I haven't any idea exactly how many there are.

The CHAIRMAN. Isn't the only hardship the fact that after they came back finally they would have to wait a longer period of time to become American citizens?

Miss REAGAN. But many of them don't wish to wait that long, they would like to become American citizens while they are still active. They would like to feel that they have the rights of American citizens; that they have the privileges, and they are willing to accept the obligations of American citizens. They don't want to have to wait until the time comes when they are back in the United States to go out to pasture, let us say, they want to be American citizens while they are still active on their jobs.

If a man has to wait and come back—the men who are engaged in foreign trade in the way that our company and many other companies employ them in the field, all their active lives—our particular company has a policy of bringing men back for a furlough every 3 years, but other than that they are abroad 15, 20, 25 years. These people who came to the United States because they wanted to be American citizens, and because they want to be Americans, then find themselves abroad, and, because they are working for American companies who find them most useful there, they are on the short-end of getting their naturalization.

Mr. ROSENFELD. Miss Reagan, do you think the National Council of Foreign Trade might have some over-all information how this affects the problem?

Miss REAGAN. I am sure they might have. I haven't seen anything they put out on it. But we have a couple of direct problems and we are very much interested in this particular provision of the act.

The CHAIRMAN. Are you suggesting that they be allowed to become American citizens while still abroad, or that they come back and go through some procedure?

Miss REAGAN. No, I think that 2½-year residence provision of the new act is the hardship. I think that their bona fide employment with an American company should be construed as constructive residence in a similar way to that which the employment in Government service is construed.

The CHAIRMAN. In other words, to complete the requirement while abroad because they would be constructively—

Miss REAGAN. I think the 1-year actual residence under the 1940 act—the 1 year of residence prior to departure from the country is a fair rule, and that that should be carried over into the new act, and then constructive residence thereafter until such time as they are able to file their petition. I would say that it would be fair enough to have them, say, make a declaration before the American consul periodically,

or something like that, but the constructive residence is the important thing in the case of these people.

The CHAIRMAN. Thank you very much. We will next hear from Bishop Homer A. Tomlinson.

**STATEMENT OF BISHOP HOMER A. TOMLINSON, GENERAL OVERSEER OF THE CHURCH OF GOD, REPRESENTING ALSO THE PENTECOSTAL HOLINESS MOVEMENT**

Bishop TOMLINSON. I am Bishop Homer A. Tomlinson, general overseer of the Church of God, 93-05 Two Hundred and Twenty-fourth Street, Queens Village, N. Y. I also represent and speak for the Church of God, the Pentecostal and Holiness movement, which has a constituency of about 50,000,000 in all countries.

May I just mention that I have just been to 43 of these countries this year, and I felt, sir, that the solution of the troubles in Europe was the overcrowded conditions, and I am proposing that the States of the United States would individually invite people from the various overcrowded countries, and it includes inviting 60,000,000 Europeans to migrate to the United States, by States, by invitation, and that our responsibility to them was because they were our kindred in founding our country, and that the problem of immigration was not so much that we would ask for people but that they need a place to go.

I just wish to submit that for your consideration, and the reason that one would raise, and say: "Why would we invite the people of Europe?" it is because there are the most tensions now, and it being the continent which brought forth this country we felt that they were our kindred in a special sense, and the Bible says that if we do not take care of our kindred we are worse than infidels. That is only part of our program on the immigrations from all of the overcrowded areas. I thank you very much for receiving this article. It is just a printed statement that I would like to leave with you. There are just a few paragraphs.

(The article written by Bishop Homer A. Tomlinson, which appeared in the Church of God publication for October 1952, follows:)

**INVITE 60,000,000 EUROPEANS TO MIGRATE TO THE UNITED STATES, FOR "PEACE ON EARTH"—MESSAGE TO UNITED STATES CONGRESS**

By Bishop Homer A. Tomlinson, general overseer of the Church of God and the Church of God candidate for President of the United States in the election November 4.

WASHINGTON, D. C., *September 18, 1952.*

*Ladies and Gentlemen of the Congress of the United States:*

In much presumptuousness I have taken occasion to come to the National Capitol here in Washington, D. C., though in your absence, and have laid upon the steps of the Capitol in front of the Senate Chamber the plowshares and pruninghook which Brother W. I. Bass and I have beaten from a 5-foot broadsword and a 7-foot spear September 13, in the symbolic "World Peace Conference" at Childersburg, Ala.

I have a message for you today which I hope you will receive in due course and consider it in the same quickened sense of devotion to the welfare of the people of all the earth, as I feel the Congress has maintained in all our generations to the people of our own country.

Holding it in your power to declare war or to declare peace, I beg you to declare "Peace on Earth!" You are come to power for such a time as this. The scepter of righteousness is stretched out to you. You have only to touch it, and not only this Nation but all nations will be spared the calamities of war.

I offer to you this day a way of peace of such magnanimity and generosity as will assure to you immortality in all the future, and peace beyond all understanding for your generation.

#### INVITE EUROPEANS TO MOVE HERE

First, I beg you to pass a law giving each of the forty-eight States of the United States the privilege of inviting a total of 60,000,000 people from the overcrowded countries of Europe to migrate to America, dwell among us under their own vines and fig trees, thus increasing our fruitfulness and wealth by fifty per cent in the next five years.

The people of Europe are our kinsmen according to the flesh. St. Paul says that a man who does not take care of his own kindred is worse than an infidel (1 Tim 5:8 Margin). The savage Indians sincerely feared the coming of our forefathers lest there be not enough for them and us. I would speak to you boldly now. The Congress of the United States in the early twenties in like fear met in this National Capitol, as in some domed tepee, and decided that immigration from Europe should stop, reaching a trickle in 1929.

#### DEPRESSION AND WAR PROSPERITY

I beg the ladies and gentlemen of the Congress to consider that beginning the very year, 1929, that we stopped our kinsmen from coming, this Nation has gone into a tailspin of depressions, and every prosperity since that time has been war prosperity.

#### SWORDS INTO PLOWSHARERS

Brother Bass and I in Bible symbol have just beaten a sword into plowshares and a spear into pruninghooks. There they lie at your feet. O Congress of this so great Nation, you alone in all the generations of men have it within your power so completely to bring the reality. As God lives I shall count on you to do it. I know it is a great matter, but only now have all the facilities necessary been made available to mankind. You are well able to do it.

#### SIXTY-TWO BILLION DOLLARS INTO PLOWSHARES

I would have you consider immediately and with all urgency the turning of the present \$62 billion defense and military appropriation scale to the migration of these 60,000,000 Europeans to this country. Their production, and the favor of God upon such utter unselfishness would wipe out our national war debt in ten years. Such is utter faith that the Almighty will reward a nation which does the generous and righteous thing as truly as He will reward the individual. Our actuaries can demonstrate this to the fullest satisfaction of your worst tedious bookkeepers.

#### SECOND GREAT MIGRATION FROM EUROPE

Europeans discovered America, developed the United States. One hundred and fifty millions of us now here came in the first migration! This second migration can bring as much additional wealth in ten years as we created in three hundred years, and could come about by invitation, by the guidance and labor of individual States, and could follow a plan something like the following:

#### INVITE EUROPEANS BY STATES

*Italy.*—Present population about 50,000,000, above 400 to the square mile; invite 5,000,000 of Italians to nine States, as follows:

	Number	Population per square mile	New population per square mile
Alabama.....	1, 000, 000	55	72
Georgia.....	1, 000, 000	53	70
Mississippi.....	1, 000, 000	46	69
South Carolina.....	500, 000	62	82
Florida.....	1, 000, 000	35	51
Texas.....	2, 000, 000	24	32
New Mexico.....	1, 000, 000	4	12
Arizona.....	1, 000, 000	4	13
California.....	1, 500, 000	50	60

*Great Britain and North Ireland.*—Present population about 50,000,000, above 530 to the square mile; invite 5,000,000 of them to 9 States as follows:

	Number	Population per square mile	New population per square mile
North Carolina.....	700,000	72	86
Virginia.....	700,000	67	84
West Virginia.....	100,000	79	83
New Hampshire.....	200,000	54	76
Vermont.....	200,000	39	60
Tennessee.....	700,000	70	80
Kentucky.....	700,000	69	88
Michigan.....	200,000	92	94
Missouri.....	1,500,000	64	76

*Germany.*—Present population about 66,000,000, with 465 to the square mile; invite 15,000,000 Germans to 11 States, as follows:

	Number	Population per square mile	New population per square mile
Wisconsin.....	1,500,000	55	84
Minnesota.....	1,500,000	35	53
North Dakota.....	1,000,000	9	23
South Dakota.....	1,000,000	8	21
Iowa.....	1,500,000	45	70
Kansas.....	1,500,000	21	40
Oklahoma.....	1,000,000	34	48
Nebraska.....	2,000,000	17	43
Montana.....	2,000,000	4	17
Colorado.....	2,000,000	10	30
Wyoming.....	1,000,000	3	12

*Belgium.*—Present population about 8,500,000, with 700 to the square mile; invite Belgians to two States, as follows:

	Number	Population per square mile	New population per square mile
Washington.....	2,000,000	26	55
Idaho.....	1,000,000	6	27

*Holland.*—Present population about 9,000,000 with 700 per square mile; invite 3,000,000 from Holland to two States, as follows:

	Number	Population per square mile	New population per square mile
Oregon.....	2,000,000	10	32
Nevada.....	1,000,000	1	10

The CHAIRMAN. Thank you, sir.

Mr. Walter White, you are the next witness.

**STATEMENT OF WALTER WHITE, SECRETARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

Mr. WHITE. I am Walter White, secretary of the National Association for the Advancement of Colored People, and I am here as the representative of that organization. My address is 20 West Fortieth Street, New York City.

I have a prepared statement which I should like to read.

The CHAIRMAN. You may do so.

(There follows the prepared statement read by Mr. White:)

It is undoubtedly superfluous for me to begin my testimony before this distinguished committee by pointing out two important facts. I ask the indulgence of the committee, however, because there are far too many Americans who either do not know the facts or fail to understand their grave significance to the present and future security and welfare of the United States.

The first of these facts is that between two-thirds and three-fourths of the world's population is not white. Not only do men and women of black, brown, or yellow skin constitute this overwhelming majority of the population of the world, but in the areas of the world where they live are to be found many, if not most, of the raw materials on which the highly industrialized civilization of the Western World is dependent. These include uranium, manganese, chrome, tungsten, cobalt, tin, rubber, diamonds, bauxite, and molybdenum. Should the so-called white western nations be deprived of these minerals, and should they go into the hands of the Soviet Union, it is most doubtful whether what we call the democracies can long continue to survive.

The second fact which I wish to emphasize is that one of the contributing factors to World War II and one which today lowers American prestige in Asia, Africa, the Caribbean, and South America is the racially discriminatory immigration laws of the United States, Canada, and Australia. Every nation, of course, has the right to determine for itself what its rules and regulations for the admission of immigrants shall be. But when a nation blatantly erects a color bar in its immigration policy, it immediately sows the dragon's teeth of resentment.

As a result of a determined campaign at the beginning of the twentieth century in the United States about the "yellow peril," the Congress enacted so-called oriental exclusion laws which, along with such practices as that of extraterritoriality in Asia, have done irreparable harm all over the world to the prestige of the United States. Particularly since 1921 the indefensible criteria of race, color, and national origin have been the principal bases for our immigration policies. These criteria were founded upon doctrines of racial superiority which were popular during the twenties along with the revival of the Ku Klux Klan after World War I. The basic common sense of the American people soon put an end, temporarily at least, to the Klan's flagrant violation of the principles of American democracy. But this concept of racial superiority has continued to dominate the thinking of many Congressmen, as is evidenced by the 1924 immigration law, the one enacted in 1929, and the McCarran-Walter Act of 1952.

The 1924 law excluded Japanese and other Asians from the United States. Japan, like Italy, was sorely plagued by overpopulation and meager natural resources. Italy was permitted to invade Ethiopia and to engage in what proved to be one of the most costly colonial expansion programs of contemporary history which led directly to World War II.

The 1924 American immigration law, the "white Australia" policy of the same period and Canada's exclusion policy not only aggravated Japanese economic difficulties which stemmed from overpopulation but, even more disastrously, cast a stigma of racial inferiority upon the Japanese and other orientals. The drive of Japan into Manchuria and later into the South Pacific was largely caused by her need to find an outlet for a constantly increasingly surplus population.

But even more harmful to world security was the emotional drive—hatred of the white world—which dominated not only Japanese military policy but the thinking of Asians generally who bitterly resented the gratuitous insult of exclusion based solely upon color.

I submit that the McCarran-Walter Act, because of its racial implications against colored peoples from Asia, the Caribbean, and other areas, may well prove equally harmful to the United States not only in Asia but in Latin America. It is true that there has been some slight modification of restrictions against Japanese. But the basic evil of the color bar remains not only uncorrected but in some regards worse than it was before the McCarran-Walter Act was passed over President Truman's veto.

It is my understanding that the Visa Division of the State Department drafted those sections of the McCarran-Walter Act which cuts to one-tenth or less the number of dark-skinned human beings who may be admitted to the United States.

If it be true that the State Department is responsible for these provisions, they constitute an act which contradicts all of the protestations by the State Department regarding human dignity and human freedom. They constitute as well a contradiction of all of our Nation's support of a human rights declaration and covenant in the United Nations.

Let me illustrate this specifically. During the past 2 months in the British West Indies I have seen the terrible consequences of colonial exploitation. In the island of Jamaica, for example, white European nations have ruled for the past 290 years. The cream of the wealth of Jamaica and other West Indian islands have been siphoned off through the colonial system for the benefit of absentee landlords in Europe and, to a lesser degree, in the United States. Most of the profits from sugar, rum, coffee, tobacco, citrus fruits, and other products have gone to the colonial powers while the living standards of the native population have sunk lower and lower. Today in Jamaica 1,500,000 persons, of whom 98 percent are of Negro or Indian blood, are forced, through no choice of their own, to live at incredibly substandard levels. Wages averaging 50 cents a day have continued while prices have trebled since World War II.

Your committee and the people of America may correctly retort that the United States as a whole is not responsible for these conditions and is not therefore obligated to be concerned about them. I venture to disagree most vigorously with any such opinion. If for no other reason, the justly celebrated humanitarianism of our Nation should compel us to be concerned. But if one chooses not to be concerned for reasons of human decency, there is another and very practical reason for being aware of what is happening in the Caribbean.

A distinguished authority on Latin American affairs, who, because of his official position, wishes to remain anonymous, put this in capsule form recently when I sought his assistance in gathering material for this hearing:

"The importance of the Caribbean area as major segment of the Western Hemisphere, and specifically as the gateway to the Panama Canal, must be obvious to all," he stated. "We are learning to our sorrow in Asia that the good will of peoples is essential to the effective cooperation of their governments. The degree of friendliness of the Caribbean community toward the United States is to be attributed in large part to the people from those areas who have been welcomed in the United States and have prospered here. The closing of the door of immigration is the one obvious gesture of hostility toward the entire area which can quickly destroy all the goodwill that has been built up."

I encountered in the West Indies this summer many examples of anger mixed with shock at both the sharp reduction of immigration from certain West Indian islands and the racial implications of that action. Prior to enactment of the McCarran-Walter Act immigration to the United States from the British West Indies was included in Great Britain's annual quota of 65,000.

For many years the United Kingdom has used only half or less than half of its 65,000 quota. From Jamaica there has come during recent years approximately 1,000 persons annually. The McCarran-Walter Act reduces that number to "not to exceed 100 persons annually." Thereby in one fell swoop the hope of many Jamaicans and others from British, French, and Dutch West Indian possessions of escape from economic bondage has been destroyed. That hope has been replaced by justified resentment that the exclusion is based primarily on skin color.

This inexplicable cruelty is matched only by its blindness. Our Nation has grown to its present great power and prestige because the peoples of the world have come to our shores to make their contributions toward the building of a great civilization. Among those who have helped to make our Nation strong are not only agricultural and industrial workers from the West Indies but those who have made notable contributions to the arts, sciences, business, and sports.

Under the McCarran-Walter Act the great Alexander Hamilton, born in Nevis, might not have been allowed to come to the United States.

Here are some other distinguished Americans who were either born in the West Indies or are of West Indian descent:

1. Bert Williams, believed by many to be the greatest of comedians.
2. Claude McKay, famous poet and novelist.
3. The late Judge James S. Watson, New York civil-service commissioner.
4. Prince Hall, founder of colored Masonry.
5. Peter Ogden, founder of colored Odd Fellows.
6. John Russwurm, first Negro college graduate and publisher of the first Negro newspaper in the United States.
7. Hazel Scott, famous pianist.

8. Jan Matzeliger, inventor of the lasting machine which revolutionized the shoe industry.

9. Roy Campanella of the Brooklyn Dodgers, considered by many to be today's greatest catcher.

10. Lester B. Granger, executive director, National Urban League.

11. Ashley Totten, secretary-treasurer, Brotherhood of Sleeping Car Porters.

12. Dean Dixon, distinguished orchestra conductor and composer.

13. Jersey Joe Walcott, until last week, world's heavyweight champion.

14. Sidney Poitier, famous moving-picture actor.

15. Edward Margetson, composer.

16. Bishop C. C. Alleyne of the African Methodist Episcopal Zion Church.

17. The late Dr. William H. Croghan, university president.

18. A. A. Austin, real-estate broker.

19. The late Canada Lee, actor.

20. Arthur A. Schomburg, creator of the Schomburg collection.

21. James Weldon Johnson and J. Rosamond Johnson. Mr. Johnson having been my distinguished predecessor as secretary of the NAACP.

22. William Stanley Braithwaite, critic and anthologist.

23. Mabel Keaton Staupers, Spingarn medallist and former president of the National Association of Colored Graduate Nurses.

24. P. H. M. Savory, physician and coowner of the New York Amsterdam News.

These men and women, along with many others of West Indian descent have made notable contributions to the building of our Nation.

Both with respect to a more just and sane immigration policy, free of dangerous racial connotations, I recommend strongly to your committee that it urge immediate revision of our immigration and naturalization laws to eliminate all distinctions based on race, sex, language, or religion.

Particularly do I recommend that so-called colonial areas be not penalized for having been the victims of centuries of colonial and racial discrimination. Immigration from colonies and from trust and non-self-governing territories should be included in the quotas of nations like the United Kingdom, France, Belgium and others which administer these colonies, trusts, and non-self-governing territories.

Until this is done, all our talk about good-neighbor policy is as sounding brass and tinkling cymbals.

Mr. WHITE. I should like also, Mr. Chairman, with your permission, and great immodesty not to read but to put into the record a syndicated newspaper column which I wrote this summer with respect to the McCarran-Walter Act, seen from that vantage point.

The CHAIRMAN. Was it published?

Mr. WHITE. Yes.

The CHAIRMAN. Where?

Mr. WHITE. In various papers, the Chicago Daily News for one, and other papers.

The CHAIRMAN. We will be glad to have it, Mr. White.

Commissioner O'GRADY. Mr. White, would you include, I suppose, in these discriminations, would you include race relations, nationality, too?

Mr. WHITE. I don't like discrimination, period: and I do not think that a person—their normal safeguards and rules and regulations for an immigration policy, each nation has the right to set up for itself. But I would not penalize any person because of either race or the manner in which he worships God at all. I would not make that a criteria.

Mr. ROSENFELD. Would you say, Mr. White, our present policy on immigration is conducive to our national foreign policy in the areas you have discussed?

Mr. WHITE. I think it has direct application and has done direct harm as I have found on various trips, particularly during the past 10 years in Asia, Latin America, and the Caribbean Pacific areas;



that our foreign policy is considered by a great many people to be an affliction of an unhealthy racial attitude in the United States, which the Communists, incidentally, are using to develop a devastating effect and which they are using to discredit us in these very important areas of the world.

Commissioner O'GRADY. Would it be possible to document the extent to which that is being done by the Communists in trying to discredit the United States abroad?

Mr. WHITE. Yes. It can be. I think I could very easily, and would be very happy to do such documentation should the Commission wish me to do so.

For example, Senator William Benton of Connecticut, on the basis of experiences as Assistant Secretary of State, made a brilliant speech in the United States Senate about 2 years ago which contains a tremendous amount of information, documenting this whole position.

There are various other articles, documents, books, that are available. If I may again be immodest, when I came back from a trip around the world, sponsored by the Town Meeting of the Air, I had been so greatly shocked by the fact that wherever we went the first question thrown at us usually was this: How dare you Americans call yourselves a democracy as long as lynching and filibusters in the United States Senate and race riots and discrimination against colored people continue? And they knew nothing about the progress toward the elimination of these evils which we have made.

So I wrote an article, *Time for Progress Report*, which has been widely circulated and at the present time I am expanding that into a book which I hope will give a more balanced and accurate picture. I am not saying we are perfect, but we are not as bad as our enemies are picturing us as being.

Mr. ROSENFELD. Would it be too much of an imposition upon you to follow up Monsignor O'Grady's suggestion and give us whatever documentation you think we should have or you think should be suitable for the Commission's study?

Mr. WHITE. I should be most happy to do so.

The CHAIRMAN. Thank you very much, Mr. White.

Judge Juvenal Marchisio is our next witness.

#### STATEMENT OF JUDGE JUVENAL MARCHISIO, NATIONAL CHAIRMAN OF THE AMERICAN COMMITTEE ON ITALIAN MIGRATION

Judge MARCHISIO. My name is Juvenal Marchisio, national chairman of the American Committee on Italian Migration, 51 East Fifty-first Street, New York City, and I am here as a representative of that organization. I am also a justice of the Domestic Relations Court of the City of New York.

The CHAIRMAN. Now Judge, the Commission will be glad to hear anything you have to say on the subject.

Judge MARCHISIO. It would be impossible, of course, for me to proceed without pausing a moment to express the appreciation of my committee for this opportunity to present our views to this distinguished panel.

The objectives of the American Committee on Italian Migration are threefold: First, to obtain emergency legislation to permit those

people from those countries to enter into this country within the needs of our national interest; second, that our migration laws be modified to permit the unused quotas of those countries that failed to take advantage of the number of people that they are permitted to send here to be divided among those countries that have surplus population; and third, that our basic migration laws be changed so they will be more in conformity with American principles of racial equality.

If the committee will permit me, I should like to analyze those three points. Taking the first, namely, that there be emergency legislation to permit people to enter this country over and above the normal quota of those countries—and I shall speak today of Italy specifically—and when speaking of Italy I am thinking also, and the same would also apply to Germany, Greece, and Holland.

The President of the United States on March 24, last year, asked Congress to pass such legislation, subsequently implemented in the House by the Celler bill, and in the Senate by Senator Hendrickson.

It is interesting to note that the President, in asking Congress to pass this legislation, emphasized that apart from its humanitarian and charitable motivations, he was asking for it in the national interest, and it is our belief that the thinking of the President when he asked Congress to pass this legislation in the national interest of America, had well in mind the fact that despite the prevalent and popular opinion, there is a definite manpower shortage in this country.

Speaking of our own State here in New York, the average age of our farmer is 60 years. It was necessary last autumn to introduce migrant labor from Latin America and the Bahamas to harvest our crops. I do not need to mention the Southwest and the situation there.

Our marble industry today is stagnating and suffering and is collapsing because of the lack of skilled marble workers.

The garment industry, right here in New York City, we have schools that cost millions of dollars that teach needlecraft. Well, our graduates are most competent to do the work of mass production and run the machines. There is still a shortage of skilled needle workers that Italy and other countries have and can supply, also the other countries I have mentioned can supply them. It is noted in the trade itself, and the proof of it is the garment union trade.

I sat down yesterday with some executives of the barber's union. The unions need additional men.

The day before yesterday I had the opportunity to sit down this time with the representatives of the waiter's union, and in specialized categories they too favor migration.

I was in Detroit last Saturday and sat down with Mr. Reuther and others in the automobile teamsters unions.

The proof of all of this is that labor is necessarily jealous of its rights, but they approved this suggestion of the President. But the increase in our manpower, whether it be for our own national needs, is insignificant when compared with the psychological effect that the passage of such legislation would have on those countries abroad that are presently allied with us in our common fight against communism.

It was with interest that I heard the comments of Mr. White, and I should like to publicly concur with him, because Communist propaganda in Europe in the last recent elections in Italy, in particular, were based principally upon the fact that while we who have assumed the leadership of the free world, that while we who were on of the

protagonists of the Brussels Conference where our own Congress made its initial contribution of \$10 million, where 27 countries of the free world were represented, where the thinking and the result of the Congress was that the only permanent solution for your known ills of European economy and the success in the fight against communism, was the movement of a surplus population, Congress has said and America says, "you are good enough," they say; America says "you are good enough to be allied with us; you are good enough to work with us; you are good enough to fight with us; you are good enough, if necessary, to die for us; but you are not good enough to come to America."

And they point out that the first nation—and I say this most regretfully—that set up a standard by which nationality origin was the test through and by which the contribution of immigrants might be evaluated, was the United States, that in 1924 passed the Nationality Act.

There our Congress in its wisdom decided in its wisdom that we needed from Europe some 153,000 people for cultural reasons, for scientific reasons, for new blood; and then they allocated twenty-six thousand and some hundred of this total count of so many thousands, and gave twenty-six thousand and some hundred to 14 countries of southern and eastern Europe, some of which are now behind the iron curtain.

So we see Great Britain, which has an equivalent population of Italy, being permitted to send 66,300 people a year, while Italy is limited to 5,600 people a year. With a population of almost 48,000,000 and a territory smaller than the size of California, two-thirds which is nonarable, a country that has neither gold, iron, lead, nor cotton nor oil, or any of the necessities of modern civilization.

These people must either burst at the seams or go communistic. These people like the people in Germany and other countries to which I have referred, are suffering from a manpower clot, that unless it is relieved will result in a communism trend.

I have been privileged in behalf of my organization to tour the West and South; and public appearances where they are open for them, and I have been asked the question of why should we permit Italians to come into this country, we want no more gangsters. The only answer the records that are held in Washington would show that among our races, in proportion to the number in this country, fewer Italians have been convicted of crime than of any other race.

Then the next question they ask is, "well, we would not be averse to it but it will lower the American standard of living." And it is interesting to note in respect to that latter fact that here in the State of New York we have a foreign-born population of roughly 17 percent, and we have an annual per capita income in this State of \$863 per person which includes the newborn child, the preschool child, the school child of high school age, the housewife that is not employed, the old, the sick, and the rest.

We go down into Mississippi where there is less than 3 percent foreign-born population and the annual per capita is \$215 per person.

In Massachusetts the annual per capita income per person is \$765 per person there, with a foreign-born population of 19.7 percent.

In Georgia, with a population of 4 percent, they have an annual per capita income of \$315.

In Rhode Island, with the foreign-born population of 19.3 percent, there is an annual per capita of \$715 per person.

In Tennessee, which like Georgia is 4 percent, the annual per capita is \$315 per person income.

Lest you think I am comparing just these States, I say you can take any State in the Union. In Minnesota, 13.2 percent foreign population, the annual income is \$516 per person. In other words, I say our statistics are certainly not fashioned by foreign-born. It shows that in exact proportion to the number of foreign-born in any State, it shows the annual per capita income of the inhabitants of that State is increased.

That is in reference to this emergency situation.

It would be good for us to have across the seas hundreds of millions of people who believe that President Roosevelt's word, addressed to Italy, when he said, "We have pledged the word; we will keep the faith."

It is my thinking too that the strongest argument against communism would be to permit all of these people the President asked to come. It will not destroy our economy. Over 350,000 refugees were permitted to enter under the law of 1948 at the cost of \$238 per person. Never throughout the States I have visited has anyone said that one of these people has taken a job from an American. When you multiply 238 by some \$300,000 and more, they have repaid that to the United States two and a half times in income taxes alone.

The question goes, I think, even to a greater depth. Certainly the taking of 300,000 people by us out of Italy, Germany, Holland, and Greece will not settle the population questions that plague that country. To some degree it will alleviate the employment problem becoming more prevalent since the last World War. But its importance is this; that we who have assumed, as I mentioned before, the leadership of the free world, will set the example to those nations who will acknowledge and do acknowledge our leadership, such as Australia, Canada, New Zealand, Venezuela, Argentine. And it is interesting to note they followed our example when we passed the first restrictive act on nationality origin, even down there they followed suit.

It is not too much to hope that now we go on what we consider the right path, that they too will follow. Australia has 7,800,000 and some population in a territory that is larger than the United States, though not so much of its land is as arable as the United States.

The Minister of Agriculture stated Australia needed so many people to develop its potentialities, and what was more important at that time, for self-defense purposes. We certainly cannot expect Australia, an Anglo-Saxon state, to admit some 7,800 Italians and change it into a Latin state. But if we give this token manifestation of our realization that the only permanent solution to world peace is the population settlement issue, I believe we can confidently believe that the countries enumerated will follow us and permit out of Europe to come at least 1 million people a year, which over a period of 10 years will mean much to the reconstruction of the economy of that country.

In this regard it is interesting to note that prior to the First World War the largest contributions to the budgeting of the Italian budget were the remittances that Italian immigrants sent back to their country. So, while the Marshall plan has been most effective in pre-

venting the spread of communism in western Europe, where it has enabled these people to live, yet it is no permanent solution. It is like a shot of morphine that a doctor gives to the arm of a sick and suffering patient. As long as it lasts the patient is quiescent and not in pain. The morphine wears out and you have to give him another shot in the arm, without curing the malady or the disease.

The American taxpayer, as you know, is becoming tired of pumping billions of dollars, without any hope that this condition will end. It has been attested by those who are competent to know that the movement of any 100,000 people out of a country of surplus population is equivalent to giving that country \$1 billion—I said a billion, not a million—in pure relief or Marshall-plan aid.

If we move 300,000 people out of Europe, at no cost to ourselves, but to much benefit of our eternal prosperity, and in the psychological fight against communism, the equivalent saving to the American taxpayer is \$3 billion.

If other people are moved out of these countries into those countries that have the manpower and the land and the need for expansion, that will steer us right and still lighten our debt.

It is well, too, to remember that we as a nation of 155 million people, combine less than Russia and China, not counting the Soviet satellites, that number over 700 millions of people. Our own Secretary of Labor said a few months ago unless we received additional manpower we in the United States, within a period of 2 years, and I am quoting, “would not be able to produce industrially and very particularly agriculturally sufficient to maintain the American standard of life for which we fight.”

Now there is much that can be said. I have mentioned the reallocation of unused quotas. That should be the next step after emergency legislation, to allow these people to know we do not consider the origin of the man as the basis of his value to America. It would be certainly futile for me in a gathering such as this to speak about the contributions that Americans of Italian origin have given to this country from the inception of its discovery and from the name it bears throughout history, to the financial and other genuises that it has produced right here in this own country.

It is interesting in our own city of New York, three candidates for mayor in the last election were all foreign-born Italians. It is interesting to note that fact when you recall that the percentage of Americans of Italian origin in New York City is only 19.6 percent, just as it is the second race in point of numbers in this country, and first in the State.

Now one could go on indefinitely, but unless we change our basic migration laws, unless we let the world know we practice what we preach, we cannot hope to obtain that confidence, we cannot hope to obtain that help. You know the atom bomb has made the world smaller than it ever was before. We must remember and let the world know that we believe that God gave the world not to any especially gifted race, but that He gave it to all people; and that we here in America believe that in addition to the fourth freedom there is a fifth freedom—the freedom to migrate.

Thank you.

The CHAIRMAN. Thank you very much.

Judge MARCHISIO. Good-by, and thank you gentlemen.

The CHAIRMAN. Is Mrs. Webb here?

**STATEMENT OF MRS. MURIEL WEBB, REPRESENTATIVE OF THE  
NATIONAL PROTESTANT EPISCOPAL CHURCH**

Mrs. WEBB. I am Mrs. Muriel Webb, program secretary, Department of Christian social relations, National Council, Protestant Episcopal Church, 281 Fourth Avenue, New York. I am here as a representative of that organization.

The CHAIRMAN. The Commission will be glad to hear you.

Mrs. WEBB. Thank you. I wish to read a prepared statement, but should like to preface it by reading a resolution adopted at the fifty-seventh General Convention of the Protestant Episcopal Church in Boston on September 16, 1952.

(The resolution follows:)

MESSAGE No. 96—FIFTY-SEVENTH GENERAL CONVENTION, PROTESTANT EPISCOPAL  
CHURCH, BOSTON, MASS, SEPTEMBER 16, 1952

The house of bishops informs the house of deputies that it has adopted the following resolution:

"Whereas, we as Christians, are concerned for the welfare and just treatment of all the people of the world; and

"Whereas, our present national immigration policy includes certain restrictive provisions which work injustice and unreasonable hardship on some people, especially those in the Far East: Therefore be it

*"Resolved (the House of Deputies concurring),* That we urge the appointment of a commission of qualified persons by the President of the United States drawn equally from public and private life (a) to review our permanent immigration policy and its basic assumptions; and (b) to make immediate recommendation of temporary immigration provisions: shaped in coordination with the United Nations and with the efforts of other states and contributing generously of American help and resources, to meet adequately the complex emergency problem of uprooted and homeless peoples compelled to live outside their own countries."

Attest:

JOHN H. FITZGERALD,  
*Secretary of the House of Bishops.*

Mrs. WEBB. I should now like to read my prepared statement.  
(There follows the prepared statement read by Mrs. Webb:)

This statement represents the convictions of the staff members of the National Council of the Episcopal Church who have long worked in the field of immigration and resettlement and who have most recently resettled over 3,000 displaced persons, under the now expired Displaced Persons Acts. The statement also reflects action of the General Convention of the Episcopal Church and the views of hundreds of church leaders throughout the United States who have discussed with us the problems of American immigration.

1. The United States has a basic moral, social, and economic responsibility for a generous immigration policy to help deal with the problems of refugees and over-population in many sections of the world.

2. A policy can be developed which will help to deal with these problems in a just and equitable way, at the same time preserving the social and economic well-being of the United States. (A report of our recent 3-year program shows that only a little over 1 percent of the displaced persons units were breakdowns or families who failed to adjust to their opportunities in the United States. Over 98 percent have already become contributing members of American society. We append a copy of this report, which will give you further facts about our experience.)

3. The only permanently effective manner in which to develop a satisfactory immigration program is through revision of the basic immigration laws. The McCarren Act of 1952 does not represent an adequate revision. It is discriminatory, geographically and ethnically; it is cumbersome in execution; and its regulations regarding denaturalization and deportation are unjust and difficult to administer. Our major effort will be toward revision of this basic law by the next Congress.

4. Acute problems of refugees and overpopulation necessitate additional temporary legislation to admit numbers of persons from these groups. Although fundamentally opposed to emergency legislation, the present attitudes of the American people and the present lack of international machinery, make us believe that such legislation is necessary. We believe further, however, that such legislation should be most carefully protected against discriminatory features on the basis of nationality and personal freedom.

5. We believe that emergency legislation should give the major role in resettlement of migrants to governmental agencies. We append here, a statement which was submitted by us to a hearing on the Celler bill (H. R. 7376, 1952). We wish to reiterate point 4 of that statement, expressing our disapproval of the large role in immigration which the Celler bill would have given to voluntary agencies. These agencies, including our own, stand ready to help in future immigration, but we maintain that the major functions of selection, transportation, and placement, belong with governmental agencies. I repeat here our reasons for that stand:

A. Sectarian and voluntary programs, as demonstrated under the Displaced Persons Act, cause overlapping and duplication on individual cases, as well as hardship to some groups who are not the clear responsibility of any voluntary agency.

B. Some voluntary agencies cannot create staff and funds as easily as others, and thus persons for whom they are responsible suffer from slower action and inadequate care.

C. There is grave question, on the part of many groups of citizens, as to whether voluntary agencies should receive public funds, as would be possible under H. R. 7376.

6. We respectfully commend to your Commission, recommendations made by the Third Non-Governmental Conference on Migration held at the United Nations building in April 1952. No doubt others have commended these recommendations to you and they are well known by you. We call especial attention, however, to the recommendations on the integration of migrants into the life of countries of resettlement. We also append a copy of our monthly publication which includes these recommendations. We believe them worthy of your consideration because they bear on the methods by which education of both migrants and the residents of the receiving country should become an integral part of immigration legislation. It is our experience that those few migrants who have failed to integrate in American life, have done so because of lack of knowledge, either on their part or on the part of their sponsors. This educational process should include both preparation on cultural and economic levels, knowledge of vocational and social resources, and opportunity for recreational and cultural development.

7. We believe that all immigration legislation, both permanent and temporary, should be geared as closely as possible to existing and desired international machinery through the United Nations and its affiliate organizations. It seems self-evident that no effective policy, either for the United States or for other nations, can be developed without full and cooperative use of such machinery. This conviction carries with it the necessity of American financial support of such machinery.

The CHAIRMAN. Thank you, Mrs. Webb. If you have with you the supporting documents to which it refers, I would appreciate your giving them to the stenographer so that they can be incorporated into the record.

Mrs. WEBB. Yes; I do. I have them here.

(There follows the statement on the Celler bill, H. R. 7376, referred to by Mrs. Webb in her statement prepared by the Reverend Canon Almon R. Pepper, D. D., director, department of Christian social relations, National Council, Protestant Episcopal Church, and presented at the hearing held by subcommittee of the House of Representatives Committee on the Judiciary on May 23, 1952:)

This statement presents my personal reasons, and those of my organization, for urging the rejection of H. R. 7376. While disapproving the provisions of this bill, we extend our thanks and commendation to Mr. Celler, Mr. Waller, and other Members of the House of Representatives who have so consistently tried to make it possible for refugees to come to the United States.

We presume to make this statement because of many years of experience as the national agency of the Protestant Episcopal Church for the resettlement of refugees and displaced persons.

1. We support the National Council of Churches of Christ in America in their conviction that the fundamental and urgent need is for permanent revision of our immigration law. We hold that further emergency legislation, such as H. R. 7376, especially for a period as long as 3 years, is detrimental to sound national and international planning. We believe that it will handicap both governmental and voluntary agencies in creating effective programs to solve the problems of refugees and overpopulation.

2. We believe that H. R. 7376 would admit nationality groups, both refugees and persons from overpopulated countries, in a discriminatory manner. We believe that it would cause hardship to several groups, such as Balts, Serbs and others who are only admissible in small numbers under the bill, and hardship to others who entered Germany prior to the date of May 8, 1945.

3. We believe that immigration of persons from overpopulated countries, should not be dealt with in selective emergency legislation, but rather through revision of the quota system to create fair, nondiscriminatory immigration.

4. We disapprove of the large role in immigration which H. R. 7376 would give to the voluntary agencies. These agencies, including our own, stand ready to help in future immigration. We have consistently maintained, however, that governmental agencies should perform the major functions of selection, transportation, and placement. Voluntary agencies can assist in every phase. Our objections to voluntary agencies as the major instruments include:

A. Sectarian and voluntary programs, as demonstrated under the Displaced Persons Act, cause overlapping and duplication on individual cases, as well as hardship to some groups who are not the clear responsibility of any voluntary agency.

B. Some voluntary agencies cannot create staff and funds as easily as others, and thus persons for whom they are responsible suffer from slower action and inadequate care.

C. There is grave question, on the part of many groups of citizens, as to whether voluntary agencies should receive public funds, as would be possible under H. R. 7376.

5. We support the joint statement of the National Council of Churches, the Synagogue Council, and the National Lutheran Council, in calling for a permanent immigration program which will have the support of all groups of citizens within the United States.

(The two documents referred to in item b of Mrs. Webb's statement: (1) May 15, 1952. Bulletin entitled "Christian Social Relations," of the Protestant Episcopal Church, 281 Fourth Avenue, New York, N. Y. (2) National Council pamphlet, Operation Good Samaritan—The Resettlement of Displaced Persons, 1949-52.)

Mr. ROSENFELD. Mrs. Webb, may I address your attention to item 3 of your statement. You say there your major effort will be toward revision of this basic law by the next Congress. Are you in position to inform the Commission now in what areas you would hope specifically these revisions would take place? What areas?

Mrs. WEBB. Yes. In the revision of the quota system, and the liberalization of machinery regarding deportation and loss of citizenship. I think those would be the principal ones.

Mr. ROSENFELD. What specifically is your suggestion with respect to the quota system change?

Mrs. WEBB. I assumed there would be so much testimony before the Commission on that fact I did not bring too much material with me. However, we have been working principally with orthodox people in the Displaced Persons Act, because they become the responsibility of the Episcopal Church in many ways. We have been concerned among other nationality groups, but particularly the Baltic groups. You may be aware at the present moment, for instance, there



are very, very small quotas and they are mortgaged up to 2000 A. D., and in some cases beyond that period.

Mr. ROSENFELD. The Latvian mortgage is to the year 2274.

Mrs. WEBB. Yes. Those three Baltic countries—Latvia, Lithuania, and Estonia—suffered greatly, because of their own history of organization, and because of the small numbers of their people in our population by 1920.

Our basic feeling, I think, more than individual injustices, however, is the same feeling expressed by those who have spoken before me, this is unjust, it is undemocratic, and we should not be accepting people from other countries on the basis that they are unequal either in ability or the opportunity which they should have to fulfill their own qualifications.

And that is my feeling on that.

Commissioner O'GRADY. Have you any proposals to suggest as to what might be substituted for the national origins quota system embodied in our present immigration law?

Mrs. WEBB. What I will say now represents the opinions of our staff and is not as sound in representing the opinion of the church as what I have said in the statement.

Our feeling, I think, basically, is that the number of people who should be accepted on the quota system in the United States should be an over-all quota based upon the ability of the United States to absorb, and that the one-sixth of 1 percent has no scientific foundation, no accurate foundation as far as we know in research, which would show that is necessarily the figure which can be absorbed by the United States.

As the person before me pointed out, we did absorb over 300,000 people, most of whom were absorbed in a little over a year in the United States, under the Displaced Persons Act. That would seem to point to the fact that 168,000 or any number chosen on the percentage basis is not necessarily a sound reflection of what we could do.

The second point which I think I would like to make about any basis for our immigration quota would be that it should reflect, if possible, the needs of the sending countries as well as the needs of the receiving country, the United States, if it were possible to so write the legislation.

Commissioner O'GRADY. Are you suggesting that our immigration policy should be flexible as an instrument of our foreign policy?

Mrs. WEBB. I think the flexibility is the main thing I am pointing out.

The third point I think I would like to make about it is that it ought to be based as far as possible upon the vocational and occupational picture in the United States.

The International Labor Office testified at the nongovernmental conference to which I referred before, that it is their hope through the United Nations to develop a sound program of receiving information from countries throughout the world on their employment picture, their employment opportunities, and then transmitting that to sending countries so that some coordinated policy could be worked out on that basis.

I have no more concrete suggestions.

Mr. ROSENFELD. You said your second point was deportation.

What was your general point on that upon which you might enlighten the Commission.

The CHAIRMAN. And she added loss of citizenship. I am particularly interested in that, because thus far every witness has concentrated on immigration. Nobody has said anything about naturalization or denaturalization.

Mrs. WEBB. Well, the present McCarran Act, as I understand it, does not safeguard completely in many ways, as I understand it, the rights of people threatened with loss of citizenship, does not safeguard their right to proper trial and to the proper testimony to which they should be entitled. And it would seem to me that any basic immigration law of the United States should be safeguarded very carefully in everyone of its details so that proper trial and hearing can be provided.

The CHAIRMAN. Your criticism is of the procedure or lack of procedures found in the act?

Mrs. WEBB. That is right. And furthermore, the fact that even here, say, of action which is considered to be prejudicial to the interest of the United States but which can be accepted as testimony for deportation, without fair proof of such fact.

I should also like to point out that we feel that we are not qualified to make any kind of recommendations of the legal steps or recommendations which would have to be made in order to effect necessary changes. But we do feel convinced that these are contrary to the principles of American freedom and justice.

Commissioner O'GRADY. How would your organization seek to bring about the changes you mention?

Mrs. WEBB. When I said that our major emphasis would be on a change in the basic immigration law, our major emphasis is carried out largely through education throughout the church, and it would be an educational program which we would be conducting.

The CHAIRMAN. Thank you very much, Mrs. Webb. We appreciate your attendance here. Our witness will be Mr. Arthur T. Brown.

#### STATEMENT OF ARTHUR T. BROWN, REPRESENTING THE INTERNATIONAL GENERAL ELECTRIC CO.

Mr. BROWN. I am Arthur T. Brown and I am appearing as a representative of the International General Electric Co., a division of the General Electric Co., which is engaged in exporting and selling abroad in all countries products of the General Electric Co. I was formerly head of the law department of the International General Electric Co., assistant to the president of that company. I am now on a special law assignment.

The CHAIRMAN. Are you and Miss Reagan, who testified earlier, concerned with the same point?

Mr. BROWN. Somewhat.

We recommend that section 101 (15) (E) of the new Immigration and Nationality Act be amplified by adding at the very end of section 101 (15) a new subparagraph (J), as follows:

(J) An alien and the spouse and children of such alien if accompanying him or following to join him, whose admission is requested by a national or company of a foreign state pursuant to a treaty between that state and the United

States, as an employee of such national or company; provided that said persons shall be entitled to be admitted and remain within the United States, (i) only while such treaty remains in effect, and (ii) only so long as the employment by the foreign national or company making the request exists and continues, and (iii) only so long as such person is an employee within a category specified in the applicable provision of said treaty.

We also recommend that section 316 of the new Immigration and Nationality Act with reference to the benefits available to a person who desires to avoid breaking the continuity of his or her residence in the U. S. A. for citizenship purposes while abroad in the employ of an American firm or corporation (or a subsidiary thereof) engaged in whole or in part in the development of foreign trade and commerce of the United States—be also made available to such person, spouse and children who accompany or follow to join such person abroad.

That section 223 of the new Immigration and Nationality Act relating to reentry permits be amended to provide for renewal of reentry permits for periods totaling at least 3 years.

Now the purpose of that suggested amendment J would be to permit people in here as nonimmigrants, skilled technicians and managerial, to be defined in the treaties of friendly commerce between the United States and foreign countries.

If the new law is permitted, and further trade treaties and amendments to existing trade treaties—reciprocal—managerial staffs will be permitted to enter the foreign countries with whose government our Government has a trade treaty then.

We have had difficulty from time to time in obtaining permission for certain of our engineers and technicians and managerial staff in certain countries, particularly in Mexico, and certain other countries. I can't think of all of them. That is No. 1, then.

Then as to No. 2, recently one of our engineers, an X-ray specialist, has left for the Far East to visit some 8 or 10 countries in the Far East, including Japan, Burma, and certain other countries; and his wife arrived in this country and was lawfully admitted to permanent residence. They both applied for permits and obtained them.

He also applied for the benefits of section 307 (B) with which you are familiar, now being section 316 of the new law. But his wife who accompanied him on this trip was not eligible to obtain the benefits of the present section 307 (B), that is, to remain abroad for a rather indefinite period, without breaking the continuity for resident purposes.

Now it seemed to me that the wife of such a person and children who accompany or follow him abroad, while he is engaged by a company such as ours in the development of foreign trade and commerce, should be made eligible for those benefits.

We are suggesting also that section 223 of the new Immigration and Nationality Act relating to reentry permits be amended to provide for renewal of reentry permits for periods totaling at least 3 years.

We have been sending for many years engineers and skilled men on special assignments, and they are in our employ and we make an arrangement with them whereby they are permitted to return to the United States after 3 years' service abroad.

Well the new immigration law provides that the issuance of a reentry permit valid for not more than 1 year from the date of issuance and the Attorney General may, in his discretion, extend the validity

of the permit for a period or periods not exceeding 1 year in the aggregate.

Well, that is just 1 year too short for our men who go abroad for the period of at least 3 years and return here to find that they have to start all over again, that their reentry permit has expired a year before their arrival.

The CHAIRMAN. I am sorry, Mr. Brown. We are a little late now.

Mr. BROWN. That is all right. I appreciate the opportunity.

The CHAIRMAN. We appreciate your appearance.

Mr. BROWN. Thank you very much. Will the minutes of the secretary be available to anyone later on?

The CHAIRMAN. They probably will be, later on.

We are having them written up as we go along.

We will reconvene at a quarter of 2.

(Whereupon at 12:45 p. m., the Commission recessed to reconvene Tuesday, September 30, 1952, at 1:45 p. m.)

# HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

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TUESDAY, SEPTEMBER 30, 1952

SECOND SESSION

NEW YORK, N. Y.

The President's Commission on Immigration and Naturalization met at 1:45 p. m., pursuant to recess, in room 1506, Admiralty Court, Federal Courthouse Building, Foley Square, New York, N. Y., Hon. Philip B. Perlman (chairman) presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Mr. Earl G. Harrison, Vice Chairman; Msgr. John O'Grady, Dr. Clarence E. Pickett, Mr. Thomas G. Finucane.

Also present: Mr. Harry N. Rosenfield, executive director.

Chairman PERLMAN. The Commission will come to order.

Senator LEHMAN, the Commission is honored to have you here to make a statement of your views on the problems which have been submitted to the Commission by the President and are set out in the Executive order which has been made a part of the record.

We will be pleased to hear any statement that you desire to submit to the Commission.

## STATEMENT OF HON. HERBERT H. LEHMAN, A SENATOR IN THE UNITED STATES SENATE FROM THE STATE OF NEW YORK

Senator LEHMAN. I am Herbert H. Lehman, junior Senator from New York State, and my address is 820 Park Avenue, New York City.

Mr. Chairman and members of the President's Commission on Immigration and Naturalization, I am very grateful to you, Mr. Chairman and to the members of the Commission, for the opportunity of appearing before you to state some of my views on this very important question and also to have the opportunity of welcoming you to my home State of New York.

I have a prepared statement which I wish to read.

Mr. Chairman and members of the President's Commission on Immigration and Naturalization, I am glad to greet the Chairman and members of this Commission and to welcome you to my home State of New York.

Mr. Chairman and members of the President's Commission, this is an exciting occasion for me. I take a deep and special satisfaction in it. The very existence of your Commission is partial fulfillment for me—fulfillment of a purpose to which I have devoted a substantial share of my energies during the past 3 years.

I would like at this point, if the Chairman will permit me, to introduce into the record a copy of the resolution which I, in association with a number of other Senators, introduced in the Senate on June 26 of this year, calling for congressional authorization to establish a special bipartisan commission to study this subject. I would also like to include a statement issued at that time in explanation of this resolution.

I offer these items for the record in order to indicate some measure of legislative intent for the operations of your Commission.

In my judgment, there is no single project in America today more important than that on which you are now engaged. As I see it, we face no greater imperative in our national life than to reexamine and rectify the inequities—and the iniquities—in our immigration laws and policies. I know that is what you are charged to inquire into, and I do not presume to suppose that you have as yet arrived at any final conclusions regarding it. But I am wholly confident of your conclusions. I cannot see how any person, with an open mind, with a sense of fairness and justice, without prejudices, without bigotry, and suspicion and fear of foreigners, can help arriving at conclusions completely at variance with existing law and practice.

I realize, of course, that the time available for the Commission to make its study is very short. Nevertheless, I hope that the Commission will be able to look at the problem of immigration and naturalization in perspective not only as a technical problem of interest merely to aliens and immigrants, but rather as one affecting all of our citizens and indeed our relations to all of the free world.

Basic questions of law, of justice, and of civil liberties are involved. The very meaning of the word "citizen" is at issue. And, of course, our foreign policy is deeply affected and involved.

To most people, both lawyers and laymen, immigration law is a complex and confused mystery. It is a field for specialists and even the specialists are frequently lost in the mazes and jungles of our immigration laws. These laws have grown up like a jungle. That jungle has served to hide from the public view a set of concepts which, I believe, would shock the moral sense of the American public if the people realized their implications. But the concepts and laws, buried deep in this legal jungle, have become surrounded through the years by what we might call protective taboos. These taboos have no basis, in my opinion, in reason or morality. Yet these taboos have been completely effective in protecting these laws against amendment or repeal.

First of all, of course, there is the national origins quota system. This system has been and continues to be a legislative sacred cow. Yet it is based on the same discredited racial theories from which Adolf Hitler developed the infamous Nuremberg laws. This system is based on the hypothesis that persons of Anglo-Saxon birth are superior to other nationalities and therefore better qualified to be admitted into the United States, and to become American citizens. That system was frankly created to cut down on immigration from Italy and Poland and Greece and the rest of southern and eastern Europe. It is still so operating today.

According to this theory a man named Pastore is less well-qualified to become a good American than a man named Smith. Under this same theory men of black, yellow, and brown skin are legally classi-

fied, in Kipling's words, as "lesser breed" and less acceptable as Americans.

I need not tell you gentlemen how utterly repugnant such a theory is to every concept which we call American. It is the complete denial of Americanism. To defend ourselves against the evil implications of this concept, we recently fought a great war and expended billions of our wealth and sacrificed hundreds of thousands of American lives, including untold numbers whose names were not Smith, or Brown, or Jones.

Let those who defend the national origins quota system be forced to read aloud the names of the winners of the Congressional Medal of Honor, or to recite the daily casualty lists coming out of Korea—and then let them dare to say that those of one national origin are less fit to be Americans, less fit to live and die for America, than those of another national origin.

But I know I need not dwell on this subject at any great length. I am sure you will study both the moral justification and the legal implications of the national origins quota system. It seems to me essential that this system be swiftly expunged from our laws.

As a very simple substitute, or as the starting point for a substitute, I would suggest that we establish some numerical total quota limitation such as 350,000 or 300,000 annually, geared to our own needs and to our capacity for absorbing immigrants into our national life and into our national economy.

If we did this, there would be no need for so-called emergency legislation to permit the admission of the refugees and escapees who now crowd the cities of Western Europe, and add dangerously to the pressure against world peace.

What I propose is an honest and direct way of meeting the emergency. It would recognize that the emergency refugee situation in Europe is not a passing problem but one with which we must be prepared to cope for a long, long period of time.

And even more important, this kind of approach would shift part of the emphasis from Europe's need to our own. We need the refugees just as they need us.

Of course, we should establish, within such a blanket quota system, a set of priorities and preferences.

But we should establish preferences based on individual worth and need rather than on national pedigree. We should establish a preference, for instance, for relatives of American citizens and of aliens legally resident in this country. There should be another major preference for refugees and political persecutees; and another preference for economic hardship cases—persons who are skilled and qualified for gainful employment but who are surplus to the manpower needs of countries like Italy, Greece, and the Netherlands. We might also establish a preference—a certain percentage of the total quota—for people from countries and areas determined by our own National Security Council to have an emergency need for emigration.

I think we should leave a certain percentage of the quota open for so-called new seed immigrants, of whatever nationality or color or creed, who qualify as worthy and desirable persons for admission into this country.

I firmly believe that qualifications for entry into the United States should be, in general, on the basis of individual aptitude and individual

desirability. Immigrants should be selected on the basis of their character, their talents, and their love of freedom.

We should try to determine a reasonable basis for a numerical limitation. It should be geared to our total population and hence to our capacity for absorbing new immigrants. Certainly we can absorb 1 immigrant for every 500 people in our present population without any danger whatsoever and with great profit to ourselves.

I think the facts will show that a reasonable amount of immigration has a stimulating effect on our economy, on our social structure, on our culture, and on the whole framework of our national life. The old concept that immigration was something we grudgingly permitted and a burden which we unwillingly assumed is an outmoded and outdated one. It is part of a narrow and outdated concept of our economy—namely, that our economy is limited in scope and horizon and that the more people we admit to the United States the more of our wealth we must share with others and the less each of us will have for himself.

We have found instead of that concept that a national economy can be dynamic and expanding. Today we recognize no economic limits or horizons. And in such an economy regulated immigration is a stimulus rather than a handicap to our continued growth and expansion. Immigration provides an invigorating infusion of fresh blood and energy. That kind of immigration is good for America.

If we accept this approach, we can see that our whole emphasis in the past has been wrong and even vicious. We can see also that our present governmental immigration machinery is not only cumbersome but utterly inadequate. The responsibilities of Government in the field of immigration are not only to keep the wrong people out but also to bring the right people in, and, having brought them in, Government must assist and encourage their integration into our national culture, economy, and life.

This, of course, should be done in the closest cooperation with the voluntary agencies which have already pioneered so ably in this field. Government should supplement and not replace the efforts of these agencies. Government should give official recognition and encouragement to the efforts of these agencies.

Mr. Chairman and members of the Commission, I have many other thoughts on this subject, but these are the central ones—the keys to all the others. I know you are going to try to unlock every possible door. I invite you to look into these which I have tried to point out this afternoon.

But I would not wish to conclude my testimony today without listing some of the grave and, in my judgment, intolerable provisions of present law which must be remedied as part of any program of immigration and naturalization reform. Some of these defects are of very long standing. Others are of very recent origin.

I might list a few of these defects:

(1) The lack of a uniform review procedure for the decisions of our consular officers. In fact, there is no legal provision for any kind of review of consular decisions. Such review as is afforded is available only for those who have the contacts, the influence, and the facilities for obtaining legal or congressional intervention.

(2) The lack of full and adequate appeals and review procedures in exclusion and deportation cases. The idea has grown up that every



alien, until he becomes a citizen, is here only on sufferance and that even the most technical violation of law or regulations subjects him to the threat and penalty of deportation. I firmly believe that the full protection of administrative and court review should be extended to every alien who lands in this country, not perhaps as a right but as a privilege which a democracy freely and gladly accords to all without distinction.

(3) The intolerable distinctions between native-born and naturalized American citizens. These began to creep into our laws about 10 years ago. Now, under the McCarran-Walter Act, a naturalized citizen can be denaturalized for refusing to testify before a congressional committee or for belonging to an organization which the Attorney General rules to be a Communist front. A native-born citizen can do these things without direct penalty. I think it is intolerable that naturalized citizens should be subjected to a different set of laws and penalties than native-born citizens.

(4) The application of the penalty of deportation on a retroactive basis. The McCarran-Walter law makes an alien subject to deportation for acts which when committed or when the alien came to this country were not grounds for either exclusion or deportation.

(5) Sharp discrimination against Negroes, orientals, and other non-Caucasians. The McCarran-Walter law enacts new discrimination against Negroes from the West Indies and lays down a new pattern of discrimination against orientals. This new pattern, built around the so-called Asiatic-Pacific triangle concept, while it breaks down the total racial barriers of previous law, merely modifies the evil and does not eliminate it. We cannot claim much credit for being partially pure: Discrimination is a pervasive evil.

These, Mr. Chairman, are just a few of the evils in present law. I could recite many more. You gentlemen will perhaps find many more than even I could recite.

I trust, however, that you are interested not only in finding out what is wrong, but in recommending what is right.

I hope that in the course of my remarks, that I have indicated not only some of the things that are wrong with our immigration and naturalization structure but some of the constructive measures which could and should be taken.

Mr. Chairman and members of the Commission, I look forward to the completion of your labors and the issuance of your report. I know that I will be enlightened by what you find and what you recommend. I know I will be deeply impressed.

Mr. Chairman, I thank you for the opportunity of appearing before you today and I bid you Godspeed in your very important work.

I also wish to submit for the record a copy of an extension of my remarks in the Senate of the United States, which appeared in the Congressional Record for Friday, July 4, 1952.

The CHAIRMAN. It will be inserted in the record.

(The statement follows:)

EXTENSION OF REMARKS OF HON. HERBERT H. LEHMAN, OF NEW YORK, IN THE SENATE OF THE UNITED STATES, FRIDAY, JULY 4, 1952

The McCarran-Walter immigration bill has become law despite a Presidential veto and despite the opposition of a great many of us here in the Senate and of a great host of individuals and organizations in the Nation at large. The

McCarran-Walter immigration bill, with all its harsh and inequitable provisions, is now the law of the land.

Therefore, it seems more important than ever, in my judgment, that we have at the earliest possible time a broad and impartial review of our immigration and naturalization policies. Such a review must critically and impartially re-examine all the fundamental assumptions of our present policies. It must reexamine the McCarran-Walter Act. It must look into the future and into the past and relate our immigration policies to our economic policies and to our foreign policies.

There must be a study of the relationship between our immigration and naturalization laws and our other laws guaranteeing certain basic rights to the people of this country. The question of immigration must be related to the question of our population, of the manpower needs of our expanding economy, and the impact of immigration upon our labor force and upon employment in general.

This study must further include consideration of the legal status of naturalized citizens. It must deal with the distinctions established by recent law between naturalized and native-born citizens.

The study must include a basic review of the relationship between immigration and national security.

The study must dwell on the nature and operations of the Government machinery now in existence to handle immigrants and immigration problems. We must ascertain whether there is not exclusive emphasis on keeping aliens out and on deporting those already in, and insufficient emphasis of facilitating the admission of qualified aliens and assisting them to become useful inhabitants and good citizens of America.

This study must deal with the status of aliens resident in this country, their integration into the national life and their adaptation to the culture and spirit of America. We must study not only the admission of aliens into the United States but the resettlement of aliens in the United States.

We must review the powers that have been given to consular officers and to immigration officials, to ascertain whether these powers are sufficiently guarded against abuse, against arbitrary decision, and against bureaucratic shortsightedness.

We must carefully reexamine our quota system, the so-called national origins quota system, with all its built-in prejudice against the peoples of southern and eastern Europe and its unwarranted preference for immigrants from northern and western Europe.

We must reexamine all the racial bias inherent in our immigration laws, the bias against orientals, and the intolerable discrimination against Negroes.

#### ORGANIZATIONS ARE CONCERNED

The question of immigration is a profoundly controversial one. Many great religious and nonreligious organizations are deeply concerned over the national, religious, and racial prejudices reflected in the McCarran-Walter Act. They are greatly distressed at the reaffirmation of the iniquitous national origins quota system. I share this concern. I believe that the national origins system is wicked in implication and completely outdated in operation. It reflects a shameful discrimination and prejudice which should have no place in our Federal laws or in our national life.

All these factors have entered, in one way or another, into the formulation of our immigration policies. But these factors have been injected not in the form of facts but in form of prejudices, in the form of unsupported assertions and appeals to fear and passion. The time has come for the American people to be given the real facts, based on a thorough-going study of this entire problem.

#### MODELED AFTER HOOVER COMMISSION

Such a study must obviously be an impartial one. It must be carried out by individuals without partisan bias and without national or racial prejudice. The best model I know is that of the Hoover Commission with its mixed membership representing the general public, the executive branch, and the legislative branch. I feel that a study of immigration policy and of naturalization policy should be carried on, if possible, under similar auspices, by a commission representing the same broad cross sections of the Nation as the Hoover Commission did.

To this end I recently introduced a joint resolution proposing authorization by

Congress of such a study. My joint resolution was completely bipartisan in sponsorship. I was joined in presenting this resolution by Senator Humphrey, of Minnesota; Senator Green, of Rhode Island; Senator Hendrickson, of New Jersey; Senator Kilgore, of West Virginia; Senator Ives, of New York; Senator Magnuson, of Washington; Senator Tobey, of New Hampshire; and Senator Murray, of Montana.

#### JOINT CONGRESSIONAL COMMITTEE HAS SHORTCOMINGS

I am aware that the McCarran-Walter Act provides for a joint congressional committee to conduct a continuous review of our immigration policies. This committee will be composed of representatives of the Senate and House Judiciary Committees. Obviously, it is impossible for committees which originated the McCarran-Walter bill to sit in judgment on their own work. Moreover, the study which is actually required is much broader in its economic and social aspects than the joint congressional committee set up under the terms of the McCarran-Walter Act can possibly carry out.

The main point of my proposal is that we must take immigration out of the narrow rut into which it has fallen. It is not an isolated and technical subject, to be dealt with solely by immigration experts whose training and disposition are all in the direction of finding ways and means to keep people out of the United States and to facilitate the deportation of those already here. This subject must be studied in its broadest aspects, and in its relationship to the fundamental policies of our Nation and in relation to the economic and political future of our Nation.

This study must be approached humbly and yet with a great zeal. It must be approached humbly because it is a vast and unexplored jungle at the present time. It must be approached with zeal because it will take a great effort to penetrate that jungle and bring order out of it. The efforts and energies of many people will be required, both in the Congress and in the public at large. The facts must be uncovered. The truth must be brought to light. Understanding must be achieved and that can be achieved only through the leadership of those who appreciate the great importance of this subject.

The text of the joint resolution (S. J. Res. 169) which I introduced follows:

#### "S. J. RES. 169

"Joint resolution to establish a Commission on Immigration in Relation to Population, Employment, Resettlement, and Foreign Policy

*Resolved, etc.,* That there is hereby established a bipartisan commission to be known as the Commission on Immigration in Relation to Population, Employment, Resettlement, and Foreign Policy (Hereafter in this joint resolution referred to as the 'Commission').

#### "MEMBERSHIP

"SEC. 2. (a) The Commission shall be composed of 12 members as follows:

"(1) Four appointed by the President of the United States, two from the executive branch of the Government and two from private life;

"(2) Four appointed by the President of the Senate, two from the Senate and two from private life; and

"(3) Four appointed by the Speaker of the House of Representatives, two from the House of Representatives, and two from private life.

"(b) Of each class of two members provided for in subsection (a), not more than one member shall be from either of the two major political parties.

"(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

"(d) The Commission shall elect a chairman and a vice chairman from among its members.

"(e) Seven members of the Commission shall constitute a quorum.

#### "DUTIES

"SEC. 3. (a) It shall be the duty of the Commission to make a full and complete study and evaluation of the following:

"(1) Population trends and manpower needs of United States economy with respect to immigration;

"(2) Impact of immigration on economic and cultural development in the United States;

- “(3) Effect of immigration on employment and labor force;
- “(4) Basic assumptions of United States immigration law, including national origins quota system;
- “(5) Relationship between immigration policy and foreign policy;
- “(6) Relationship between immigration and national security;
- “(7) Operations and basic approaches of law and present governmental machinery for dealing with immigration;
- “(8) Governmental machinery for promoting integration and resettlement of immigrants;
- “(9) Basic rights of immigrants and aliens;
- “(10) Naturalization, nationality, and the status of naturalized citizens;
- “(11) Effect of our present immigration and nationality laws, and their administration, upon our domestic and foreign policies, and ways in which they can be brought into line with our national ideals and our foreign policy;
- “(b) The Commission shall, not later than 1 year after the effective date of this joint resolution, submit a complete report to the President and to the Congress of the results of its study and investigation, together with such recommendations as it deems desirable.

#### “POWERS

“SEC. 4. (a) The Commission may, in carrying out this joint resolution, sit and act at such times and places, hold such hearings, take such testimony, require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, have such printing and binding done, and make such expenditures as the Commission deems advisable. Subpoenas shall be issued under the signature of the Chairman or any member of the Commission designated by him and shall be served by any person designated by the Chairman or any such member. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

“(b) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems necessary, but the compensation so fixed shall not exceed the compensation for comparable duties prescribed under the Classification Act of 1949.

“(c) The Commission is authorized to request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

#### “COMPENSATION OF MEMBERS

“SEC. 5. (a) The members of the Commission who are Members of the Congress shall serve without additional compensation. The members of the Commission who are officers or employees of the United States shall serve without additional compensation, but shall continue to receive the salary of their regular position when engaged in the performance of the duties vested in the Commission. All other members of the Commission shall receive \$50 per diem when engaged in the performance of the duties vested in the Commission.

“(b) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

#### “EXPENSES

“SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out this joint resolution.

#### “EXPIRATION

“SEC. 7. The Commission shall cease to exist 30 days after the submission of the report provided for in section 3 (b).”

The CHAIRMAN. Thank you, Senator.

Commissioner PICKETT. Senator, I wonder if you could elaborate a little more on your comments here about the substitutes for national origins quota?

Senator LEHMAN. Well, Dr. Pickett, I have indicated very definitely, of course, that I favor the elimination entirely of the national origins quota. I have worked out, as I think I have indicated to some extent, substitute measures. I have not attempted to work it out in detail—the legislative and technical details. But, generally speaking, I would set an over-all top quota which I mentioned as 350,000 or 300,000.

Commissioner PICKETT. May I ask, would you make that firm forever?

Senator LEHMAN. No; I would not. I would make it the top quota possibly being firm. I think that phase of the law and many other phases of the law would require a certain amount of administrative discretion. I would gear the exact number that could be admitted to the need for immigration in this country and to the employment opportunities. I think if we should run into a period where there was disastrous unemployment again such as we faced in the early thirties that pressure to cut immigration would be great, and properly great, and in those circumstances through administrative action the number could be reduced.

But, generally speaking, I believe that within the framework of a top number, whether that be 300,000 or 350,000 or 400,000, the number each year should be arrived at and defined based on largely the formula of employment opportunities in this country and the need for certain skills in this country.

I have fixed the number at 350,000 because that is approximately 1 in every 500 of our present population.

Commissioner PICKETT. You would give, I gather, more administrative flexibility both to the number accepted and to where they come from?

Senator LEHMAN. I would. I think there would have to be administrative machinery set up on this thing, of course. I based mine on an analysis of the need of people, the character of people, the situation in countries from which they sprang insofar as we are familiar and it called for increased immigration. There were various factors of that sort.

I don't think you could fix in legislation a definite and completely binding formula for this. I think they would undoubtedly have to be administrative machinery, but that is not difficult. We have done that, of course, in many, many other activities of the Federal and State Government.

Commissioner PICKETT. Would your proposal not place more responsibility in the executive branch of the Government?

Senator LEHMAN. Well, I think that this would call for administrative action. Of course, the legislative branch of the Government isn't entirely consistent on this matter because they give the State Department, for instance, and their consular officers complete and absolute power with regard to who should get a visa and who shouldn't get a visa. And there is no appeal from that, save through the good will of the Secretary of State. There is no statutory machinery set up for appeals. The same thing is true with regard to deportation, on which

I feel so strongly. After all, the McCarran bill sets forth certain things which would require deportation. The Justice Department, the Attorney General, then decides whether the man should be deported. He has got, of course, an appeals board there, I am told. That is not statutory. I think I am stating it correctly, Mr. Solicitor General. It is entirely within his power to appoint or not appoint an appeals board. He sets the regulations himself and the board naturally is bound by those regulations and there is nothing statutory.

I have always had a very high regard for our Attorneys General, but I can conceive that an Attorney General who wished to interpret and administer the McCarran-Walter bill literally or unfairly and who believed in the principles of the McCarran-Walter bill could just work havoc with our civil liberties, with the civil liberties of millions of people, and they would have no redress whatsoever. That is the thing: You are placing it in the hands of one man or one small group of men—the power.

All I am saying is that there should be administrative machinery to decide whether there should be in a given year 350,000 or 300,000 or 400,000 or 225,000. That's all.

The CHAIRMAN. To pursue Dr. Pickett's question, would you say there has been a tendency on the part of Congress to eliminate discretions which had theretofore been vested in many and exercised?

Senator LEHMAN. I think that is true in the McCarran-Walter bill. But we still are facing a situation where in the event of deportation the interpretation is made by the Attorney General and by the Justice Department, subject to the conditions of the law.

The CHAIRMAN. As I understand, sir, what you suggest is that there be a method adopted through which a total number of immigrants could be admitted or be made eligible for admission each year; that inside that total number you would set up a system of preferences that you have outlined in your statement—escapees and others requiring special or preference consideration, or preference considerations to be provided for, relatives of aliens in the country and other classes of that kind. You would feel that instead of just having a total number and admitting them without regard to their particular status that there would be a system of preferences based on the kind of considerations which you have set out in your statement. Do you think that that is a proper and a reasonable substitute for the procedures that are now in effect through which national origins and race are made a factor under a quota system?

Senator LEHMAN. Well, I would certainly set up preferences and I would expect that these preferences would consume the greater part of any number that has been made legal. I would also, however, set aside a certain percentage which would not be covered by preferences. In other words, that a board could say this man or that man on his merits because he has something particular to offer, because he is a persecutee—I mean not a kind that isn't covered by a description of a persecutee—or possibly because he is a great scientist or is needed, then he would come in that category which would not necessarily be covered by the preferences. But I think that category would be relatively small.

The CHAIRMAN. Then would you say there must be administrative machinery then, a board or some administration of some kind to

determine whether a particular applicant fell within one preferred class or another? Someone would have to decide.

Senator LEHMAN. You would have to have some administrative machinery.

The CHAIRMAN. You could not do that by legislative machinery?

Senator LEHMAN. No, I don't think you could define it.

Commissioner O'GRADY. Bearing in mind that some countries, such as Italy, need all the skills they have, I should like to ask your opinion as to whether you consider that the selection of persons through skills is a sound approach to immigration policy?

Senator LEHMAN. Monsignor, I agree with you and I did not intend to use the word "skills" in any narrow sense. I didn't want to include only mechanical or scientific skills. I consider that manual labor requires skills too of a certain kind.

Commissioner O'GRADY. I understand.

Senator LEHMAN. I certainly would not want to exclude them. I have seen too much of it. I saw persons in the displaced-persons camps in Germany right after the war and then I saw Polish people, largely, and then I saw them come over here. They recovered their strength and I saw them marching up Fifth Avenue on Pulaski Day in one of those parades and they were striding up there with chests out. You could see that they had convinced themselves and had convinced their fellows and me that they would be good citizens and would continue to be good citizens because of the bodily strength and the will and determination to be good citizens. So, I certainly do not want to limit it at all. I think that, for instance, when I read, as you gentlemen have read and are probably more familiar with than I am, the pitifully small quotas that are allowed for people coming from southern and eastern countries—men whose history has been shown us by the immigrants of their countries who have come over here in the last 40, 50, or 60 years and who certainly make good citizens—when I see the pitifully small numbers, I am more and more and more and more convinced that we have got to do something.

When you see a country like Italy, specifically, with a population nearly as large as that of Great Britain limited to 5,700 immigrants a year into this country, and then see a country like Greece, a country that certainly has given culture to the world, limited to 308 people a year, and people from Austria limited to less than 1,000, I believe, and from Lithuania and Latvia and Estonia not only limited to numbers of a couple hundred but even that couple of hundred is mortgaged sometimes for 200 years to the extent of at least 50 percent—it seems to me there is certainly some evidence that this country, which has been built up by immigrants, should be able to receive and integrate and profit by the immigration of at least a few hundred thousand a year.

When you study the history of immigration and realize that, I think, during the years from 1898 to 1913 we received far more than a million immigrants a year and every period in which immigration has been at its greatest it has also meant greater prosperity for this country. Is it not a fact that immigration growth decreases with depression? At a certain point, yes, you have to turn off the supply just as you turn the water off when your tub is full. Certainly immigration far larger than anything I have been asking for or any others

are asking for has resulted in great prosperity and great progress to this country.

The CHAIRMAN. Thank you very much, Senator. We appreciate your appearance here and the Commission is glad to have the statement that you have made.

Senator LEHMAN. Thank you very much for the opportunity.

The CHAIRMAN. Our next witness will be Dr. Margaret Mead.

**STATEMENT OF MARGARET MEAD, ASSOCIATE CURATOR OF  
ETHNOLOGY, AMERICAN MUSEUM OF NATURAL HISTORY**

Dr. MEAD. I am Margaret Mead, associate curator of ethnology at the American Museum of Natural History, and reside at 72 Perry Street, New York City. I am an anthropologist and am appearing here in my individual capacity.

The CHAIRMAN. Dr. Mead, have you a prepared statement?

Dr. MEAD. I prepared a statement and sent it down earlier in that form, but I want to talk rather than read it, please.

The CHAIRMAN. Good. The Commission will be glad to hear from you.

Dr. MEAD. I want to talk to two points and two quite contemporary points: the contribution which educated immigrants have made to this country is one.

I want to make it clear that I am not proposing differentiation in categories at all, but I think it is important to realize at present that in the position of leadership that the United States is in in the world today one of our major needs is to understand—Europe particularly. We need to understand the way the Europeans think and feel and the things that Europeans are not going to want to do no matter how artfully they are presented to them. There are all sorts of devices at present for attempting to do that. We send Americans to Europe in many places at great expense and we bring Europeans here at great expense for short-term trips, but the most useful way for Americans of all sort, at National and State and local level and in industry and in education to learn what Europe is like, to know how Italians think and how Poles think and how Norwegians think is to work with them and argue with them in real work situations.

Now, since the beginning of Hitlerism in Europe we have had a pretty steady stream, interpreted in various legislative ways, of a great variety of experienced and highly trained men and women from Europe who have been distributed throughout this country in committees and commissions and laboratories and engineering departments and labor unions and all sorts of places where we have been able to work side by side. Their contribution has been incalculatable in training Americans to know more about the problems in Europe, the way Europeans think and perhaps the sorts of appeals that are going to find favor in parts of Europe and the sorts of things that are going to fail.

If we are to take our responsibility which we cannot shirk, because if we simply refuse to do anything in the world it would have a great effect upon it, we need to know a great deal more about the people of Europe and the people of all the different parts of Europe, especially those parts that are inaccessible to visiting at the present.



I would like to make a very special plea for the importance of having in every part of this country and at every level experienced individuals and mature individuals who are able to communicate and then there could be some picture as to what working with Europeans is like. I can speak very specifically, having been in the natural science and social science for the last 20 years, to the fact that the United States has the sort of eminence due very importantly to the factor that so many Europeans came here and worked with us. We were able to do things we couldn't have done without them and we were able to give them consideration we wouldn't have had otherwise. That is not just the general statement of what we owe to the many, many gifted adults who have come to this country through all our history, but with the specific emphasis about the present.

The second point is the image of America that is being built up in every part of the world. This applies not only to Europe but to the young countries of Southeast Asia. Where the old image of the United States was that of a young, hopeful, strong country, strong enough and optimistic enough and trustful enough to absorb people from all over the world and give them a place, we are getting older while we haven't noticed and we are now one of the oldest stable countries. We have been getting enormously powerful. We have to deal with the image of our Nation in other ways and sometimes they think it is a very grim country. It is very easy to manipulate the deeds, what is called the propaganda of deeds against us. It is very easy to show the Statute of Liberty facing out toward the ocean, but to say that it has turned its back on the other nations. It was done repeatedly during the war and it has been done since. It is very easy to take the figure of Uncle Sam and picture him as becoming very lean and thin and miserly and no longer inviting you with the same hospitality. It is exceedingly important that we should continue to be able to give that hospitality, especially to refugees who have been victims of dictatorial injustice and that is becoming a part of the image being built up about us all over the world. Today our reputation is somewhat in jeopardy.

One can make a parallel point about the effect on the people of the United States, on the great groups of Americans whose parents or grandparents came from one of these other countries. It is an essential ingredient for them to act as fully in that hospitality as ever and to greet these new citizens. This hospitality should be encouraged for them to come here and build up this country as a part of the political picture of the United States. This should be presented to our own people and to the peoples of other nations in this year 1952 when it is so very easy because of our great power to mobilize distrust for this country in many other parts of the world.

Those are the points I wanted to make.

The CHAIRMAN. Are there any questions?

Commissioner PICKETT. Have you any explanation as to why some immigrants who have made a success here, or their children, are opposed to any increase in immigration, or are inclined to favor restricting it?

Dr. MEAD. I have plenty of comments on why it happens. I don't know whether they will have any major usefulness in this context.

We have the kind of social society position that we can keep people out of it. One can live on as the others can't live on. We have the

kind of society that compares to a fishbowl. And there are the fish who are there first pick on the new fish regardless of whether the fish are strong or weak. That is a very old factor in the United States. So in any community it is the older comers who look down on the new comers. The older comers are likely to be very jealous of their position.

I don't believe we can correct that except on a much broader front, as we alter some of our school zoning situations in the cities and as we give more widespread opportunities to the new comers as well as to the old comers. There is this fear of losing your status if more of your own kind who eat more garlic or more of some other kind of fruit—I like garlic so well it always come to mind. There is the fear of more coming in to dilute and destroy the others' positions and make it less. I think probably it is fair to say that it is the people who have benefited less generally from the whole of the American system. I think the ones who feel that way are those who don't feel perfectly secure here and they are less likely to welcome their second cousins.

MR. ROSENFELD. Dr. Mead, as an anthropologist would you comment on the fundamental validity or invalidity of immigration quotas on the assumption of national origin quotas as relating to similar ethnic or national groups?

DR. MEAD. The assumption, as I understand it, is based on a very long time attitude in this country that it is easier for us to assimilate northern Europeans than southern Europeans. That assumption on a short-term basis is anthropologically underwritten. It is much easier to move Norwegians to Denmark or Sweden than to move any one of the three to Italy. It is easier to move Englishmen to the United States or an Irishman or at least up to the time they ceased to have English as a national language, to the United States, than it was, just because of the commonness of language, than it was to bring people who spoke different languages or from a different climate or different rhythm of life.

On a short-term basis it was true. The thing we lacked and still lack in making such a certification is to realize that all human beings from all groups of people have the same potentialities. They may have been barefoot for a hundred thousand years but there again their capacity to wear shoes is exactly like the people who have been wearing shoes for a hundred thousand years for the next generation, and our statement about assimilability is that it is the easier this week or this year and we neglected the fact that we were cutting off—in doing this, in picking only certain ethnic stocks and giving smaller quotas to others—that we were cutting off the sources of great gifts that might have come to us in people who spoke a language little harder to translate than English; who had ways of life little different; who may have been undernourished for a very long time.

But we have no proof that being undernourished carries over beyond a generation. So in making our quota in terms of numbers from one group we let in the less imaginative from one country and kept out the gifted, the enterprising from another country on a long-time basis, and we were doing something disastrous in terms of building up a reservoir of human beings. It is exactly on that point of view, from the point of view of repercussions within our own country, of the assumption of people whose ancestors spoke one language or one con-

continent being superior to people being born on another continent, or the idea that one kind of hair is better than another.

Of course these rules were passed before all the straight-hair people spent money getting permanent hair, and kinky hair persons getting it straightened. But from all of those points of view, from the advancements of our evaluation of humans, those points are also disastrous, because they assume something permanent in languages one's grandfathers spoke or religion one's grandfathers espoused, or land one's grandfather farmed or what he ate. Our best anthropological evidence today suggests that the people of every group have about the same distribution of potentialities. When you add to that that it is on the whole the enterprising who immigrate and those who care more about freedom and are willing to risk their skins for freedom in many parts of eastern Europe, you realize that any such point of view is artificial and cuts off good ancestors for our great great grandchildren. We want that ancestor in good human stocks from wherever it comes in the world.

The CHAIRMAN. Do you consider that an immigrant's race or original geographical location makes any difference?

Dr. MEAD. I think we have to admit in making this argument that you are going to have more trouble with some people than others in the first 10 years. It is a lot easier to assimilate people who wear shoes or people accustomed to wearing our kind of clothes. Then there is the lazy man's position. There are people who make a contribution in the first 10 years but not as great a contribution in the future.

I have been director of Columbia University research in contemporary cultures. In the course of that we have been singularly fortunate in having a great many gifted refugees and immigrants, as many as 106, from many European countries who have combined to begin to give us some understanding of some European cultures and non-European cultures which we need for the whole gamut of understanding in this world. We have a whole range of problems confronting us if we are going to work with peoples of other countries.

The CHAIRMAN. Have you encountered any difficulty in having scientists come over here temporarily for lecture purposes?

Dr. MEAD. Yes, I have heard that.

Commissioner O'GRADY. Have you any observations to make regarding our universities, and what they are doing to stimulate interest in this field?

Dr. MEAD. Well, I can certainly suggest the practice in universities that is most useful. That is, to the extent universities have brought to their faculties and to their student bodies as many Europeans and Asiatics as possible and have exposed the entire community, not only the university community but the high-school community, the citizenship of the town to contact with and work with people from other countries, I think on the whole that the distrust of the community goes down. But it is exceedingly discouraging for universities to plan on bringing over some scholar of note or try to plan a year ahead for people to come over and do pieces of research work and then find people in other countries unwilling to expose themselves to the sort of questions and criticism that they are likely to meet. So that I think at present there is a danger that the cooperation of universities and scientific bodies might be reduced because of these restrictions that make it so difficult to invite people to come.

It is exceedingly difficult to invite guests and then after his arranging for leaves of absence and has packed up his children and a few household goods, to have them find that the United States will not admit them, and that danger has been sufficient, the doubt great enough in so many cases that at present I would feel that the universities feel a little discouraged.

As to how we can make universities do some work in increasing the breadth of point of view, I think the two things are related and the effect of restricting these quotas is to decrease the activities of universities to a broader point of view.

The CHAIRMAN. Thank you very much. Your prepared statement will be inserted in the record.

Dr. MEAD. Yes; that is fine.

(The prepared statement of Dr. Margaret Mead follows:)

STATEMENT OF DR. MARGARET MEAD, ASSOCIATE CURATOR OF ETHNOLOGY, AMERICAN MUSEUM OF NATURAL HISTORY

I wish to speak on two points (1) the contributions which educated members of other societies can make to American life in general and to America's capacity for leadership in the free world in particular, and (2) the importance of America's reputation for and practice of hospitality in maintaining the confidence of other peoples in this country's good faith and moral leadership.

(1) The United States has been placed in a position of great power and responsibility no less arduous because unsought. This is a position which cannot be evaded because inaction, inattention, and disinterest on the part of the United States have repercussions on the world scene also. In this situation it is of the gravest importance that leadership within the United States at all levels—National, State, and local—be as fully informed as possible about the habits of thought and values of those other countries of the world concerning whose welfare we have such great responsibility, either as nations, or as peoples, temporarily limited by dictatorial governments. Such continuing knowledge can only come from continuing contact and for opportunities to work closely with educated members of these societies, both at home and abroad; Americans need to sit on committees, to work in laboratories, to cooperate on commissions, to draw up industrial plans, to argue matters of religious and philosophical significance with individuals who are educated representatives of the traditions of these other countries. Only so, by actually seeing how their minds work in a great variety of situations can we, as Americans, learn to understand the behavior of Europeans and non-Europeans, to anticipate their acts, to include in our plans and our thinking such an understanding of their ways that we will be able to obtain cooperation on mutual goals, guard against unexpected enmities, build a safer world.

It is important that as many educated members of other countries as possible should be widely distributed over the United States, not only in New York and Washington, but in State capitols and land-grant colleges, in engineering and architectural offices of industry, struggling with the unfamiliarities of American ways of thought and in so doing illuminating for all the Americans who have to work with them, their ways of thought, which often seem so inexplicable. The alternative to such free give and take is elaborate, expensive intelligence work or sending a great and impracticable number of Americans abroad. It is possible to spend many thousands of dollars on research after the event trying to find out why the people of France or Italy were unfavorable to some move that seemed obvious to us, or why expensive machinery installed at great cost in some unindustrialized part of Europe is never used. Many of these mistakes could be avoided, these reactions anticipated if Americans had an opportunity to work side by side in the real situations which arise when an educated European has to make a living in the United States, has to keep our kind of time schedule, read our blueprints, understand our political system.

To our long experience of contributions from Europe there has been added during the last 20 years the very particular experience of benefiting from the addition to our trained groups of people, refugees from totalitarian regimes, from which the more gifted, the more imaginative, the freer minds seek to

escape. American science has known a renaissance during these last 20 years, a product of the interaction between this great variety of gifted immigrants and Americans trained in related, but often strikingly different, habits of research. With a science, both a natural science and a social science, grounded in the entire tradition of the western world, we are far better equipped than we could otherwise have been to meet and solve the difficult problems that confronted us and continue to confront us at the present time. It is impossible to estimate how great the contribution of the Europeans has been precisely because it has been made where members of research teams, Americans and Europeans working together, have made such striking gains.

(2) The United States is dependent upon the trust and faith of the other peoples of the world for the right to the kind of leadership which is congenial to Americans. For two centuries and a half we have been a symbol of hospitality and generosity, able because we were strong and free to offer refuge to those who were persecuted by tyrannies in other countries. We were seen as a young country, with all the promise, the zest, the generous hopes of youth. Today, to these desirable qualities of strength, freedom, generosity, and hope, there have been added in spite of ourselves, two others qualities, age and power. In a world that is changing as rapidly as the present one, age and power are not seen as qualities to be trusted, so much as to be feared. Anti-American propaganda makes much of a Statute of Liberty which is represented as having "turned her back on the United States" and in representing Uncle Sam as miserly and ungenerous. It is more important than it has ever been in our history for our present actions to match the ideals that we proclaim to the world, and at no point does this become more conspicuous than when we either grant or withhold asylum to men and women who by their history, their capacities, and their education, can be seen by the rest of the world as representatives of the best that the rest of the world has to offer.

In perhaps as great degree, we are dependent upon building within the United States, among the descendants of European parents and grandparents, that enthusiastic confidence in United States' strength and generosity which will make them devoted and skilled mediators between the Old World and the New during this period when the free world is building its ramparts of hope and trust.

The CHAIRMAN. Dr. William Bernard is our next witness.  
Doctor, will you give your name, please?

#### STATEMENT OF WILLIAM BERNARD, SECRETARY OF THE INSTITUTE FOR INTERNATIONAL GOVERNMENT

Dr. BERNARD. Yes, I will be glad to. I would like to read my statement, please, and that information is in the statement.

I am William S. Bernard, secretary of the Institute for International Government, but I am appearing solely in my individual capacity. I have a prepared statement which I should like to read.

The CHAIRMAN. You may do so.

Dr. BERNARD. My name is William S. Bernard, my address is the George Washington Hotel in New York City, and I am secretary of the Institute of International Government, an educational and research organization.

I do not speak for that organization, however, but appear solely in my individual capacity, as a specialist on our immigration policy for many years, and as a citizen concerned with the welfare of my country and indeed of all mankind.

The Commission will hear others who will comment in detail concerning the technical and legislative aspects of our immigration and naturalization system. With your permission I will confine myself principally to the subject of our immigration policy, and particularly to that phase of it represented by our so-called quota system: How it came to be, what it is, and whether or not in my opinion it is adequate to meet the imperatives of this postwar era.

The immigration policy of the United States has always been—whether we realized it or not—an integral part of our foreign, as well as domestic, policy. It has always had a profound effect upon our relations with other countries, and hence upon history. The admission of immigrants not only affects the social, economic, and political structure of the receiving county; it also affects the lands of their origin.

So far the immigration policy of the United States has passed through three stages: A period of comparative unrestriction, a period of partial selection, and a period of growing restriction, with some overlapping of the last two.

Originally we Americans favored unhampered and unlimited immigration. In fact, so strong was our opinion about this that we listed the interference with free immigration as one of our basic grievances against the British Crown in the Declaration of Independence. And in our Constitution we so prized the diversity of peoples whom we hoped to welcome here and the freedom we wished to bestow on all men, however different, that we made signal provision for the equality of disparate faiths and of many, if not at that time all, ethnic backgrounds. Indeed, aside from the Presidency itself, we barred no elective office to any citizen, regardless of where he was born.

This appreciation of the immigrant's contribution to our life, and the consequent desire for a continuance of unhampered immigration persisted for almost a century. It was expressed in particular cogent form in the platform of the Republican Party (then called the Union Party), which Abraham Lincoln helped to write:

Foreign immigration which in the past has added so much to the wealth, resources, and increase of power in this Nation—the asylum of the oppressed of all nations—should be fostered and encouraged by a liberal and just policy.

Until 1882 the Federal Government did not attempt to regulate the flow, or the character, of immigration in any way, leaving it up to the States to prescribe rules of admission or exclusion.

But by the end of the nineteenth century it became clear that regulation by the several States was not a satisfactory device. Immigration affected all the States, not merely some of them, and in the new age of the industrial revolution selective standards had to be applied uniformly if we wished to insure healthy and law-abiding additions to our population. Hence we entered upon a period of partial selection, imposing in 1882, and adding since then, a number of prohibitions upon the admission of immigrants whom we deemed morally, economically, politically, or medically undesirable.

This selection, however, had nothing to do with his so-called race or national origin.

This stage of our immigration policy obtained until after the First World War. And then, with a dramatic shift, we turned to the third, and present phase: that of restriction.

In 1921 we instituted a system of quotas for all countries outside of the Western Hemisphere, whose natives could enter the United States freely, and outside of Asia, whose natives were completely barred from immigration here until small token quotas were extended them gradually from 1944 on. (The exclusion of orientals, begun in 1882, had been a forerunner of the restriction phase of our immigration policy.) Without going into details, the restrictions of 1921 were

tightened in 1924, and made still more severe in 1929, when the so-called national origins plan of allocating quotas was put into effect, which plan still basically governs us.

Briefly, the quota system now permits the annual admission of some 154,000 immigrants. Within this total each immigrant-sending country receives as a quota of its own a number which bears the same relation to the total as the number of people that our population has derived from that country by birth or descent bore to our total population in 1920.

Thus from an unrestricted immigration which before World War I had on occasion reached a peak of more than 1,000,000 a year, we suddenly closed the gates to an unprecedented degree.

Why?

For several reasons, some good, some bad.

In the first place, the absorption and integration of immigrants had proceeded almost automatically in the days of the expanding frontier. Numbers did not matter, and our good earth virtually cried for men. But with the onset and gradual maturation of an industrial and urbanized economy our absorptive capacity, in the absence of any plan of resettlement or assistance in adjustment, materially lessened. In sober fact we could no longer—and cannot today—permit immigration in unlimited numbers.

But other factors also played a part in our adoption of a restrictive policy. And preeminent among them was our succumbing to a nationalistic, almost fascistic philosophy of “racism” in the hysteria-ridden period of reaction following World War I.

Immigration to the United States had changed its type and source. No longer were most of our newcomers of Anglo-Saxon, Teutonic, and similar extraction from northwest Europe. After 1882, with the economic stabilization of that part of Europe, and with increased possibilities of emigration opening up elsewhere, more and more of our immigrants were coming from southern and eastern Europe.

We did not understand them so well. They were more different and “strange” and hence more “suspect” and “undesirable.”

Above all, we were listening to the siren songs of nationalism and racial superiority that seem ever latent in a culture and all too frequently rise to the surface of the body politic to blemish it in periods of postwar tension and reaction. The writings of that time which dealt with the “race” concept and cried “beware of immigration,” such as Lothrop Stoddard’s *The Rising Tide of Color* and Madison Grant’s *The Passing of the Great Race* were the spiritual precursors of Hitlerism and all its diabolic nonsense about supermen and superblood.

So the scene was set and the political climate rendered even more hostile to the “menace” of the immigrant. This is clearly reflected in the congressional hearings that preceded the adoption of the “national origins” plan, at which, for some unspecified reason, the most influential witness was an extreme eugenicist chiefly known for his advocacy of sterilization of inmates of institutions. Hundreds of pages of testimony were filled with false or distorted pseudo-scientific gibberish. Racism had a field day.

The practical result appeared in the discriminations written into the quota law, flagrantly favoring immigrants from northern and western Europe, who are today allotted some 127,000 of the total annual quota,

as against the "lesser breeds" from southern and eastern Europe, who receive most of the balance. Of the former number it is interesting to note that Great Britain alone is assigned more than half, or some 65,000 visas—even though since 1929 the average use has not been more than 10 percent of this number.

By contrast, the quotas of southern and eastern European countries are oversubscribed for years to come—and those from whom we have accepted DP's have been mortgaged by 50 percent for decades and even centuries.

And that is where we stand today—even though new preferences within quotas have been established, and certain discriminations against orientals have been removed.

The quota system as it now stands is guilty I believe of being:

(1) Unscientific: Because the country of so-called national origin on which the quota is based, is not necessarily the country of cultural or social nationality. Czechs may be born in Germany for instance, and be admitted to the United States under the German quota. Furthermore, war causes population and boundary shifts which it is difficult or impossible for our quota to catch up with. Also, the computation of the relative contributions of various nationalities to our population of 1920, and hence the determination of the various quotas, was necessarily inaccurate; the major index of nationality used was the immigrant's name as listed in the census, and we all know how and how often names change.

(2) Wasteful: Because of the amount of our quotas that regularly goes unused. Since 1929 only about 23 percent has been utilized.

(3) Discriminatory: Because of the preponderance of quotas allotted to Northwestern Europe, with the implication of invidious "racial" differences, and,

(4) Inflexible: Because world emergencies which we might want to help relieve as in the case of DP's cannot be coped with within the framework of the present set-up and therefore require special legislation, a tedious and costly process.

The world today, it is all too obvious, is far different than it was in the 1920's. World War II has brought us new problems. We have entered, for better or worse, upon the atomic age. The United States has been thrust into a position of leadership in the free world, vis-à-vis the new imperialism of the Communist tyranny. It is not only important for us to resist aggression actively, as in Korea. We must resist the encroachments of Communist propaganda which seeks to distort the minds and capture the spirits of the people of the world.

We cannot afford to be called hypocrites, or to let the Communists allege that even though we could admit some of the neo-refugees and surplus peoples of Europe we will not do so, because our vaunted tradition of asylum is honored in the breach, not in the observance.

In short, we need to realize that our immigration policy affects other people as well as ourselves and to understand it is a vital part of our foreign as well as domestic policy. It should be geared to the realities of the last half of the twentieth century.

To do this I believe we should at a minimum—

(1) Eliminate the last vestiges of racism in our law.

(2) Provide a more equitable allocation of quotas. If they must still be assigned to a nationality basis it might be done according to proportionate use in the past linked with present and future needs.



Nations that have always used their quotas to the full and nations with special or emergency needs might receive temporarily preferential treatment.

(3) Institute, in line with the above, more flexibility in our quota system, so that unused portions of annual quotas would not be lost but could be transferred to another country whose needs were momentarily greater.

(4) Encourage private voluntary agencies, with the assistance of the Government, to set up a permanent cooperative plan for the reception, distribution, and resettlement of immigrants and refugees, as needed.

(5) Participate more fully and wholeheartedly in international moves to resettle refugees and surplus peoples elsewhere throughout the world.

(6) Establish a permanent commission of outstanding public citizens to study, make recommendations, and advise both the Government and the public about developments in the field of immigration. If these or similar steps are taken to bring our immigration policy into line with the realities of today it will be to our own enlightened self-interest, and it will be a contribution to world order and world democracy.

The CHAIRMAN. Thank you very much, Dr. Bernard. The Commission is glad to have that statement and appreciates the trouble you took to come down here.

I believe our next witness is Miss Cordelia Cox.

#### STATEMENT OF CORDELIA COX, RESETTLEMENT SERVICE OF THE NATIONAL LUTHERAN COUNCIL

Miss Cox. My name is Cordelia Cox, and I am the resettlement executive of the resettlement service of the National Lutheran Council, 145 East Thirty-second Street, New York City.

I am testifying here as an individual, but with the full knowledge and approval of the organization which I represent.

The CHAIRMAN. The Commission will be glad to hear your views, Miss Cox.

Miss Cox. Thank you, sir. I appreciate very much the opportunity to speak to the Commission, and present the things that have come to my attention in the course of 4 years of working with displaced persons and refugees under the Displaced Persons Act of the United States.

The CHAIRMAN. Miss Cox, have you a written statement?

Miss Cox. I have a written statement, but I prefer to make a statement also, if I may.

The CHAIRMAN. That is all right. We will receive your written statement in the record and you may make a statement also.

(There follows the written statement submitted by Miss Cordelia Cox:)

#### REPORT TO THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

I appreciate the opportunity of appearing before the President's Commission on Immigration and Naturalization to present for consideration some of the aspects of immigration which are called to my attention daily in my work with the resettlement service of the National Lutheran Council, an agency which has sponsored the immigration of 35,600 displaced persons and refugees since October 1948. I wish to speak briefly to five propositions as follows:

I. Although we rejoice in our historical heritage of immigration, the United States is ceasing to be a country of any considerable immigration. Many citizens do not realize this and would deplore it if they did. Others are opposed to immigration believing there is not room in the United States and no more aliens can be integrated into our life.

II. The experience in immigration under the Displaced Persons Act gives evidence that there is room in the United States and that immigrants "make good," thereby contributing to the cultural and economic wealth of the country.

III. There is need for many more immigrants in the United States. The requests of employers, relatives, and friends for help in bringing people to this country is of sufficient volume to indicate that the needs and wishes of people in the United States are not being met.

IV. Not only is international movement of peoples wholesome and desirable, but also we have a responsibility as a free nation to provide for our fair share of the homeless people of the world.

V. If we as a nation do believe in and support immigration, the laws and procedures should be such as to create good will among nations, to insure for every would-be immigrant reasonable consideration and give protection to those who are admitted. Constant fear of deportation for legally admitted aliens and second class citizenship for naturalized citizens are not tolerable concepts for our country.

### I

The history, literature, music, industry, and science of our country are so filled with the contributions of the 40,000,000 immigrants who have come to our shores since we have been a nation that there is no way to isolate and measure these contributions. They are part and parcel of us and of our national heritage. Children are taught in our public schools that America was built by persons seeking freedom and opportunity, that America is a great melting pot of varied peoples, and that the contributions of many lands have made America great. Nevertheless, I believe there are millions of Americans who do not realize that under our present formula for immigration we are no longer the land of opportunity for newcomers and that we are accepting the contributions of a minimum number of peoples from other lands.

They do not realize that the numbers of immigrants has dropped from an average of 4,750,000 during the decades 1850-1930 to a total of 785,852 during the years 1941-49; and that under our present immigration system the numbers will continue to decline. While unrestricted immigration is no longer desirable, we need to recognize the serious limitations now placed upon immigration in our efforts to bring it under control and to weigh these facts against the needs and resources of our country and against our world responsibility.

Under the current quota system 154,277 quota immigrants are admissible to this country annually. However, primarily because of the national origins requirements, in effect many less than the quota maximum are being admitted. In 1948, only 92,526 quota immigrants entered the United States, which left 61,751 unused numbers at a time when in Europe alone millions of people were homeless. For the years 1945-49 the total immigration, quota and nonquota, to the United States was as follows:

1945-----	38, 119	1948-----	170, 570
1946-----	108, 721	1949-----	188, 317
1947-----	147, 292		

It should be borne in mind that limited as they are, the figures for the years just given were augmented first by the immigration of alien wives of United States servicemen, and second by the beginning of the displaced persons program.

Unknown to many United States citizens we have become a country un hospitable to the foreign born who seek entrance to our land. I believe many Americans would wish to have immigration restored to such higher numbers as can be absorbed into the economy if the facts were presented to them.

There are others though who knowing the facts would still oppose more extensive immigration. Among these are people who sincerely believe there is no room in our country for newcomers. They believe our culture and economy are established and that it is not safe to seek to integrate more new and strange people into our population. For these people the experiences of the displaced persons and refugees may be reassuring.

## II

In 1950 our immigration increased to 249,187 persons. In 1951, we admitted 205,717 persons for permanent residence. These increases from previous years were due to the operation of the Displaced Persons Act. Of the 454,904 persons who came in these 2 years it seems reasonable to assume approximately 40 percent became breadwinners. Was there danger to a country so vast and complex as ours in absorbing an estimated 90,981 workers annually? If so, it is yet to be seen, for there has been no economic or cultural crisis because of the arrival of these people. Comparatively these numbers were so small that they neither disturbed the balance of the labor market nor met the existing need for labor.

In our office there are records of the 35,600 persons who entered the United States under the sponsorship of the National Lutheran Council. These people have settled in every State in the Union, and a few are in Hawaii, Puerto Rico, and Alaska. The skills of the people range from those of domestic and laborers to those of surgeons, teachers, engineers, and artists. Only occasionally has there been unemployment among any of the able-bodied, and it has never lasted long.

We are now conducting a survey of the 1,254 families whose entrance to the United States we sponsored during the first 6 months of 1949. We have received replies from 657 of these families. These replies show 130 families are still on the jobs to which they went more than 3 years ago when they entered this country and 433 families of the group are living in the State to which they went originally.

One of the most significant figures I can give you with reference to the 35,600 immigrants for whom we have records has to do with their sense of responsibility and their prosperity. When they entered this country, they had few belongings and no money, so that it became necessary to lend them inland transportation costs. Since October 1948 we have lent \$1,297,678.28, primarily for transportation. Today, less than 2 years after most of them have arrived, I can tell you that 76 percent of this amount has been repaid, voluntarily and without force. This would seem to say the newcomers can and do work, support themselves, and meet their obligations.

I wish that I could give you statistics on home ownership and college attendance, but they are not available. I can tell you, however, that in one community 60 alien families are buying their homes and that hundreds of young people all over the country are working their way through our colleges and universities. If there were time, I could tell you specifically of children attending school and rapidly becoming Americans; of women working happily as nurses, domestics, and clerks; of men who are true farmers; of men and women working in factories and in their professions, and of some who have already established their own businesses. The detailed knowledge we have of these people who have immigrated since 1948 indicates there is room and need for them in the United States, and that they find their places readily among us.

## III

May I tell you something of the current need? Now that the Displaced Persons Act is fulfilled, the volume of immigration has decreased drastically. Yet there are requests for many more people.

We have in our files now job and housing offers for 1,500 refugee families (about 4,500 persons), but no visas are available to bring in people to fill these opportunities. These are signed and sealed offers, endorsed by local clergymen and community leaders as being of good standard. The sponsors of the offers write us asking "why can't the people come?"

A letter from our Colorado representative dated September 25, 1952 says, "I regret that Colorado did not send for families by the several dozen when visas were available. We could have placed them everyone." Our New York City representative told us last week that she knew of 20 openings for foreign doctors—and she hasn't even looked for them.

Even though we no longer can bring together refugee workers and employers under the Displaced Persons Act we continue to have appeals for workers.

An employer in the construction field telephoned, "We have plenty of jobs; is there any way you can get the people here?"

A large hospital suggested sending its superintendent of nurses abroad to select refugee nurses—but it was too late for them to get visas.

A manufacturer is asking for women with finger dexterity, offering to employ as many as we will supply.

Several life insurance companies who are successfully using displaced persons are eager to employ many others for clerical work.

In our national office and in our 36 area offices there are thousands of requests for farm and domestic workers. We can place any number of precision workers, engineers, doctors, and nurses. The need for more workers is documented daily in agencies like ours which are known to be interested in immigration. These "sample" experiences of one agency indicate something of the possible total needs in the United States.

During the past month relatives of more than 200 would-be immigrant families have sought our counsel. When one considers that some of our 36 area offices have many more requests than the national office, one begins to get the "feel" of the country-wide struggle of United States citizens and residents to be reunited with their relatives. We know of scores upon scores of divided families where some of the immediate family members are in Europe, Asia, Australia, or South America. They cannot be reunited here because visas are not available.

The tragedy of European refugees in Communist China, of escapees from behind the iron curtain, of able people unable to eke out decent existence in overcrowded lands, of persons separated from all family ties and without status in their country of refuge are too great for description. An immigrant parent told me recently of his highly skilled physician son selling ties on the streets of a South American city. The parents had managed to get visas to the United States, but the son did not qualify as a displaced person. So the contribution of a skilled man is denied our people who need it because a visa is not available. Our files are full of such stories of separation and distress.

#### IV

I believe that all of us here will accept the premise that it is important for the peoples of the world to know and understand each other—and that without such understanding any nation or group of nations is powerless to build the peace. Understanding can come in many ways, but it is self-evident that one of the best ways is through interchange of populations. If we are to understand other people, it will be good that considerable numbers of other nationals live among us. It is good too that people who love their homelands but also love their adopted country (else, why do they stay?) write back explaining American life and ideals. I submit that as a part of our preparation for and extension of world responsibility and citizenship immigration is a necessity.

In 1952, 7 years after World War II there are more homeless people than when the war ended. Any thought we may once have had that by admitting 400,000 refugees to this country we would solve to any considerable extent the problem of homelessness, even in Europe, was naive. It is true, however, that our contribution encouraged other nations to accept considerable numbers too. But the fact remains that there is more to be done. Many areas of the world face the major problem of providing first asylum to millions of refugees. The United States has a moral responsibility to help meet these needs. Unless we do help, our protestations of good will, democracy, and the value of the individual man may fall on deaf ears—and more important neither we nor the rest of the world can be safe in the midst of millions of uprooted peoples.

#### V

To attempt within a brief space of time to define an immigration policy for the United States would be futile. The technicalities of immigration are numerous and complex. I should like, however, to enunciate eight principles which I believe should underlie our immigration policy and practice. If these principles could be kept in policy and in practice, immigration to the United States could become a great boon to immigrants and nationals. Therefore I recommend:

1. That immigration be recognized as desirable and valuable and that an immigration quota in keeping with our need and with our ability to integrate newcomers should be established.

2. That this quota should be made available to people of all lands in relation to our need and their need, and in reasonable relation to their population.

3. That reasons for exclusion of aliens be carefully defined to cover only those situations which are dangerous to the United States and that there be an appeals procedure for those who are rejected.

4. That special provision be made for the immigration of family groups.

5. That aliens admitted for permanent residence receive the protection of public care when it becomes necessary in times of illness, distress, and unemployment.

6. That deportation of aliens be a last resort used only for causes clearly shown to be hazardous to our safety and that lesser offenses be handled in the same manner, as those of citizens.

7. That citizenship be available to all aliens admitted for permanent residence and that aliens be encouraged to become citizens.

8. That when citizenship is once bestowed on an alien it cannot be revoked except for flagrant abuse of rights and privileges and that other than flagrant offenses be punished or restricted in the same manner as when the offender is a native-born citizen.

#### CONCLUSION

I should like to restate my belief that it is important to the spiritual, cultural, and economic well being of the United States that we retain our status as a country of immigration in a way which will give consideration to our needs, safeguard the mutual interests of our people and others, and make possible the fulfilling of our responsibilities.

Miss Cox. In presenting the situation as I see it, I should like to speak to five main points: My first point would be that although we rejoice as a nation in our national heritage of having been immigrants, of having received into this country many, many immigrants, of having assimilated the culture of many, many peoples, we are today becoming a country of very little immigration, and I submit that it is without the knowledge of the American people; that the American people as a group do not know that we are no longer a country of immigration.

I should like to speak to that point, and to the point that there is room still in the United States for many immigrants.

Second. That the experience within the Displaced Persons Act and the operation of the act is such as to show that new people can be assimilated into this country and that readily, and that the people who have come have given us an increase in culture, an increase in wealth, an increase in faith in democracy, which is well worth all that we have put into the program.

Third. That as a follow-up, or as a corollary of the displaced persons program where interest in immigration has been aroused, that there has been expressed by employers, by relatives, by friends, an interest in continuing immigration, and a demand for continuing immigration that is very real and is of considerable volume.

Fourth. That not only is the international movement of peoples desirable and wholesome for the sake of world citizenship and our assuming our world responsibility, but, also, that the United States does carry a very special responsibility for meeting its fair share of the need of the refugees of the world.

And, finally, that if we as a nation do believe in and support immigration to this country, then we need in this Nation an immigration law, and an immigration policy, which will give just and fair consideration to every applicant, which will admit to this country a number that the country can absorb, which will give those people who come adequate protection and adequate recognition as individuals having rights and being self-respecting human beings.

If I may, I should like to speak briefly to each of those five points. First, to the point that the United States is no longer a country of any considerable immigration: I was taught in school, and I believe the average youngster in school today is being taught, that America is the great melting pot; that America is great because of the very cultures that have come to her, and that have contributed to her life. They are taught that; they go out into the world carrying that idea and ideal without realizing that it is no longer true.

I also believe that if they knew it were true—and if we could bring to the American people the true fact that there is not extensive immigration in this country today—we would have a real resurgence of regret and demand that there be greater immigration. I think that is one of our needs right now—that the American people know that.

During the decades 1850 to 1930 an average of 4,750,000 people came to our shores every decade; yet in 1941–49 only 785,852 people came—4,750,000 for decades; then 785,852 for the 9 years 1941–49.

Since the operation of the Displaced Persons Act is over, immigration will continue to decline unless something is done about it. It will not even sustain the figure that we have achieved during the past decade. It is true that we no longer can tolerate unrestricted immigration; it is true that we must be sold immigration, but perhaps it is also true that in our zeal to do so we have almost cut the lifeline of immigration to this country.

In 1945 there were 38,119 immigrants coming to this country. That, of course, was the end of the war year. In 1946 it went up to 108,721. By 1949 it was 188,317. Why did it increase? Not because we had a basic law that would admit those people but because there were special immigration schemes for the wives of American servicemen. Then, in 1949 the effects of the displaced-persons program was seen. I call your attention again to the 188,317 in 1949, while in the early decades of the twentieth century we received more than a million a year.

We have become an inhospitable country almost unknowingly to some of the American people; others of the American people are truly concerned, and believe there is no room for other people, and that if they come among us they cannot be integrated among us. For those people, I would like to present the facts and the learnings of the displaced-persons program, which is my point 2:

During 1950 and 1951, 454,904 immigrants came to this country, a larger number in that 2-year period than had come for 10 or 20 years previous to that. Let us assume that 40 percent of those people were breadwinners, and that half of them came each year. That means that there were absorbed into our country, or that we attempted to absorb into our country, about 90,981 breadwinners a year. Can anyone question that a country as vast and complex as ours, as large, can absorb 90,981 breadwinners a year? We did do it, and there were no serious repercussions; as a matter of fact, I think we could say there were no repercussions during those 2 years when the people were coming.

In our office we have records of 35,600 displaced persons and refugees who have entered this country during the last 4 years. These people are living in every State of the Union; a few are living in Alaska, Hawaii, and Puerto Rico. They run the whole gamut as far as vocational interest and employment is concerned. They are day laborers, they are domestics, they are farmers, they are surgeons, they are electricians, they are veterinarians, they are nurses, they are lawyers—everything that a country has and loses, as the Baltic States, for instance, have lost, then is available in skill and culture to a country like ours. Those people have come, we have seen them, we have watched them, we have their addresses, we know what is happening to them, and only very occasionally has there been any unemployment, and when there has been unemployment of a few people it has not lasted for long; in other words, they have been assimilated and integrated very rapidly into our culture.

We are now making a survey of the 1,254 families that entered the country the first 6 months of 1949 under our sponsorship; of that 1,254 families, we have already received reports on 657 families—they came more than 3 years ago, and of that group 130 are still on the same job—130 families—and 433 families are still in the same State as they were before. We think that speaks something for the stability of the people, and speaks something for the fact that they are accepted on jobs and do stay on jobs.

There is one figure I would like to give you that I think, perhaps more than any other, illustrates quickly the caliber of the people and their ability to adjust to this country; that figure is this: that within the last 4 years we have lent them \$1,297,678.28 primarily for inland transportation costs, and of that amount 76 percent has already been repaid, although they came into this country without anything.

I would like to speak very quickly to the current need: We have in our files right now 1,500 signed and sealed offers for refugee families. They are good offers; they are endorsed by leading citizens and by local pastors. The sponsors are asking: "Why can't the people come?" We talked with our New York City representative the other day, and she said that she knew now of 20 opportunities in New York for foreign doctors, and she hadn't even looked for them. We had a factory call us the other day and say that they could use all the women that we could suggest who had manual dexterity, but we couldn't suggest anyone. A large hospital called and offered to send their superintendent of nurses abroad to select foreign nurses, but there were no visas on which the nurses could come, and so it goes on.

I speak for the national office of an organization. We have 36 area offices where sometimes the demands are much higher than they are in ours.

I know my time is up, but I must speak quickly for relatives. Every day there come to our office relatives asking for help to bring their families, their friends, their close kin to the United States. The tragedy of divided families is great indeed. What can they do? They can do nothing. We had 200 such requests for help last month, and our offices in New York City, San Francisco, Tacoma, Los Angeles, and various other places had many more requests than we had. It speaks somewhat for the volume of need that there is for relatives to come and to rejoin their own here. The China refugees, who are starving today; the people coming out from behind the iron curtain, the able people in all of the countries of the world who lack opportunity in the country in which they are—all of these, and many more, are pleading for entrance to this country, and I submit that we need them.

My time is up. I would only like to say that the paper which I have submitted does emphasize the other two points, also: that we, as a world power, believing in world citizenship, cannot afford to limit immigration to this country to the extent that we do not have a free give-and-take among peoples, nor can we afford to deny ourselves the privilege, the opportunity of bringing to this country our fair share of refugees.

I submit, as my last point, the fact that there are principles, clearly defined principles, upon which an immigration law could be based that would give protection to the people of the United States, that would give enriched culture, and enriched economic opportunity in the United

States to the people of the United States itself, and that would make for the immigration to the country in an orderly, dignified, self-respecting manner of people who need to come, and whom we need.

I am sorry there isn't time for me to enunciate that, but you do have it.

Mr. ROSENFELD. Miss Cox, I wonder if I may ask you a question on your first two recommendations on the last page of your statement. Your first recommendation is:

1. That immigration be recognized as desirable and valuable and that an immigration quota in keeping with our need and with our ability to integrate newcomers should be established.

Would you care to indicate what the scope of that quota would be in numbers?

Miss Cox. Well, I would like to say that we admitted somewhat more than 250,000 in 1951, and that, so far, we haven't felt any ill results, and I think we would have felt them before. I don't want to comment technically, but I do want to say that what we are doing, have been doing up until 1951, was a mere trickle.

Mr. ROSENFELD. The second recommendation you have is:

2. That this quota should be made available to people of all lands in relation to our need and their need, and in reasonable relation to their population.

Are you proposing that you would base the immigration system on a national origins system?

Miss Cox. I would not.

Mr. ROSENFELD. You would not employ the national origins system?

Miss Cox. I would not.

The CHAIRMAN. Now, may I ask one other question? You stated that a substantial amount of the money that you had loaned for transportation expenses has been repaid—within what period of time?

Miss Cox. The first people we brought in came on Hallowe'en night, 1948. The first bill we sent out was about a year later. But the great majority of our people came in the last part of 1950 and in 1951. In other words, the payment has been primarily by people who have not been here 2 years.

The CHAIRMAN. Thank you very much.

Miss Cox. Thank you, sir.

The CHAIRMAN. Now, we have scheduled the Right Reverend Monsignor James J. Lynch, director, Catholic Charities Office, 122 East Twenty-second Street, New York City.

Mr. ROSENFELD. Mr. Chairman, Monsignor Lynch finds himself unable to be here, and has sent me a note asking that his prepared statement be incorporated into the record, if I may do that.

The CHAIRMAN. Yes, it may be inserted in the record.

(The prepared statement of Rt. Rev. Msgr. James J. Lynch, director, Catholic Charities Office, 122 East Twenty-second Street, New York, N. Y., follows:)

I appreciate the invitation to speak before your Commission. I am here not as an expert on the law of immigration and nationality, but as a citizen, as a priest and as the director of a very large charitable agency. I have a deep concern for our policy in a matter which merits the application of Christian charity and the acceptance of responsibility toward the needs of others, a matter that, for good or bad, portrays for other people our attitude to them.



The new Immigration and Nationality Act of 1952 was preceded by considerable study and was attended by earnest debate on the part of zealous and experienced legislators. This act has made definite and important contributions but it has not attained perfection. I am here to make to this committee two recommendations for legislation. I urge that the act needs prompt, careful reexamination in the matter of quotas and their use, and that prompt action should be taken to admit to our country considerably more displaced persons.

It goes without saying that our national practice on immigration should be based on right principles. The most basic principle involved is the brotherhood of man under the fatherhood of God. That truth should permeate our entire attitude to the problem of immigration and nationality. Involved, secondly, is the fact that all lower creation—animate and inanimate—was made to serve man, not this or that man, not this or that community, but mankind. An important part of that creation is the land. I do not mean in any way to belittle the right of private property or the proper rights of nations and governments. I cannot subscribe to the blind selfishness that turns its back on others, even when the individual or the nation, as the case may be, can help another or others in bitter need. Respect for human rights is vitally important. Among these rights is the right to migrate freely, for peaceful purposes, subject only to the reasonable requirements of public and economic welfare.

It is not enough to be Christian in principle, we should be Christian in practice. By that I mean we should, where we can, apply ourselves, reach out to help others in want wherever they may be. We should consider the needs of people here and abroad. Possibly much of the world's suffering in the last few decades could have been alleviated by a more humane and Christian policy of immigration on the part of the richer countries. Indeed, one might ask, whether the imperialistic drive for expansion by certain nations might not at least have been lessened by more generosity by other nations in the matter of immigration.

My point, therefore, is this: our national policy on immigration and nationality should flow from an acceptance of Christian values; in particular, we can and should reexamine and improve upon the establishment and use of our quota system.

What do I suggest? I do not come here to make a firm specific proposal but I make the following suggestions to be weighed in reexamination of the problem:

1. Consider an increase in the total number of immigrants authorized for entrance each year. I believe the quota can and should be increased. It may be that present percentage (one-sixth of 1 percent) has a certain validity but could it not be applied to the most recent census?

2. Study means to remove the inequities to southern and eastern Europe and other places brought about by the present national origins quota system. Our own Declaration of Independence belies any such suggestion.

3. A valuable change might be made through permitting the use by other nations and peoples of quotas unused elsewhere.

May I take this opportunity to express also my urgent hope that Congress will enact at the next session legislation, such as the Celler-Hendrickson bill of 1952, to continue the resettlement of displaced persons. It is a matter of keen regret that this was not accomplished at the last Congress. Monsignor Swanstrom recently advised, after an on-the-spot survey in Europe, "I am now convinced that more than ever United States leadership through special emergency legislation is imperative. I can think of no more important contribution at this time not only for the welfare of refugees but for the peace and security of the whole world."

The CHAIRMAN. Mr. Read Lewis will be our next witness.

#### STATEMENT OF READ LEWIS, EXECUTIVE DIRECTOR OF THE COMMON COUNCIL FOR AMERICAN UNITY

MR. LEWIS. My name is Read Lewis, and I am executive director of the Common Council for American Unity. In testifying, however, I am expressing my personal views, and not, except as specifically indicated, the views of that organization.

The Common Council for American Unity has been working for more than 30 years with the problems of immigrants, and I have been

connected with it for somewhat over 30 years, so that I have had a long background of experience in this particular field.

The CHAIRMAN. Just what is the Common Council for American Unity?

Mr. LEWIS. The Common Council for American Unity is a nonprofit organization, the outgrowth of work started by the Federal Government in World War I to work in interpreting America to the newcomer, and to interpret the newcomer to America. The council has continued to work in that general area through these three decades and more.

The CHAIRMAN. It is a council of what organizations?

Mr. LEWIS. It is an independent organization. It has no other affiliated organizations.

The CHAIRMAN. Has it a Nation-wide membership?

Mr. LEWIS. It has members throughout the country. If I may, I would like to begin with a word about what I feel this Commission can accomplish.

The Commission faces a difficult problem both substantively and politically. Its report is due 1 week after the new and highly controversial Nationality Act becomes effective; 2 days later a new Congress will meet, which, in all probability, will have more or less hostile subcommittees on immigration in both Senate and House irrespective of the way it comes out.

Within 3 weeks, there will be a new administration in Washington—

The CHAIRMAN. Within 3 weeks?

Mr. LEWIS. Within 3 weeks after your report is due. It will have many urgent questions pressing on it and immigration may not be reached for a very considerable period. Consequently, the influence of this Commission is not likely, it seems to me, to be so much in the area of immediate legislative enactment, as in the field of public education, and more particularly in the formulation of a philosophy and realistic program on which the many diverse elements and groups interested in a more liberal immigration and naturalization policy can unite. That is a task of great importance. Indeed, such formulation and public education must precede any new legislation.

I do not, of course, mean to overlook the fact that the Democratic Party in the platform it adopted in July included an immigration plank in which it pledged itself to continue aid to refugees from communism, and the enactment of President Truman's legislation in this field of our immigration and naturalization laws. Should the Democrats win on November 4, specific recommendations by the Commission as to the fulfillment of these pledges would be important. It might have more influence on near-term legislation than is otherwise likely. The Commission's near-term influence on legislation would also be strengthened, I would like to suggest, if it finds some way to associate representatives of the Senate and House Subcommittees on Immigration in the activities.

Despite these possibilities, it seems probably that the Commission's chief, immediate contribution may be the formulation of a concrete, realistic, liberal naturalization and immigration policy, and the public education thereon, which the Commission's hearing and report will set in motion.

In formulating such a policy, the Commission's recommendations might well, I feel, cover three areas: One, the basic, long-term changes needed to make our immigration policy more nearly consistent with our traditions and ideals, our foreign policy and position of world leadership.

Two, such special legislation as may be necessary to do our share in meeting the problem of refugees from communism, and of other displaced persons.

Three, amendments which, without attempting to change the general framework of the new Immigration and Nationality Act, would help to correct some of its major deficiencies. The changes which would change the general framework would come under No. 1.

Under these three headings I should like to discuss briefly several specific points. Our present national origins quota system has been widely criticized, but a weakness of such criticism has been the failure to propose realistic alternatives. In view of the fact that unlimited immigration is generally regarded as not feasible or desirable, Congress should, I believe, adopt more or less arbitrarily an immigration ceiling; that is, the total number of immigrants we are prepared to receive, and absorb in a year. This total will continue to be in effect year after year until changed. It should cover both nonquota and quota immigrants. Obviously, if we admit more nonquota immigrants than quota immigrants in any year, it is only reasonable to decrease the quota immigrants admitted, although I think that is not often always appreciated.

I would personally feel that that immigration ceiling should not be less than 250,000 a year; that is less than two-tenths of 1 percent of our present population, and I think our laws should be designed to assure the admission of that, or whatever number might be adopted, and not be so rigid as our present law actually to sometimes act as exclusion barriers. Our present quota system takes into account, really, only one important factor; that is, our own origins, the origins of our present population.

It seems to me that there are two other important factors which should be taken account of: One, is the total population of any particular foreign country. It seems to me completely illogical that countries with millions of people, like India, and Indonesia, have the same minimum quotas as like Tientsin and San Marino—one might go on indefinitely with examples of that sort.

The second factor is that I think our quota system should take into account the demand for immigration within a particular country.

Now, how could those two things be accomplished? I think the American way is often to build on what we have, and I think the present quota system could be adapted to cover a much more liberal philosophy if account is taken of these other factors in working the thing out: With reference to the population of a foreign country, it seems to me that we could devise a system of establishing minimum quotas which would be related to the population of the countries in question. I see no reason why there should always be the same minimum quota irrespective of the population of the country, and that would make it possible to meet many decisions which cannot be taken care of at the present time.

Further, I believe that there should be some system of pooling unused quotas worked out so that within your original quotas, modified by quite a different system of minimums, you will still have a considerable number which will not be used, and it seems to me that those, after perhaps making them available to certain special categories where there are humanitarian or other considerations of particular importance to be met, should be distributed according to demand—I mean on quotas of different countries—in order to meet that particular factor.

Now if something along those lines could be worked out, you would have a very different kind of system than you have at the present time—one far more flexible, one taking into account a much more varied array of factors than our present very rigid system. Furthermore, it would be quite possible to think in regional as well as purely national terms. That is, you have got certain great regions of the world, four, for example, outside of the United States: you have Europe; you have Asia and the Pacific; you have the Americas; you have Africa. It might be that it would be desirable in pooling these unused quotas to make the unused quotas of European countries applicable to the region of Europe; that might safeguard a lot of criticism from people who would fear increased immigration from other areas in the world. You could take unused quotas from Asiatic countries and make them available to different countries in that particular region. I mention that as one of the possibilities, and many others, I am sure, will occur to you, if it seems desirable to think along those lines.

I should like to make a particular plea for the importance of increasing Asian immigration. If some system of minimum quotas, adapted to populations, were worked out, those would automatically be increased above the present minimums. But it seems to me important, if the Commission is going to set our country thinking in new directions, as I hope it will, that a good deal of thought be given to this particular problem, because from the standpoint of long-term perspective, I can see few things that are more important to the future of our country than good relations with that area of the world, where considerably more than half the population of the world resides. It seems to me if we think of immigrants, as I think we should, as something far more than individuals—they are individuals, and they bring us all of the individual qualities which each one may have. But they are also representatives of peoples and of cultures, and if America is going to maintain and justify its position of world leadership, it is particularly important, it seems to me, that we understand by having in our midst, as we have never had before, in relation to Asiatic countries, representatives of those people here.

I think we are just beginning, as we emerge into this new period in the history of our country, to realize how important the backgrounds of our people are in reference to better relations with European countries, and that is going to be quite as true, perhaps even more so, it seems to me, in relation to Asia.

Now that is looking ahead, but it seems to me that is what this Commission needs to do, despite the opposition of a sort that one is bound to encounter, because it does represent a new idea from the standpoint of our country at large. There is a Pacific community

quite as much as an Atlantic community, and it is going to grow and become increasingly important, and we ought to give, it seems to me, even with the urgent refugees' and displaced persons' problems in Europe, a great deal of thought to that aspect of the situation. I emphasize it because I think fewer people will probably speak on that at this time than they will regarding the urgent human situations in Europe, which I do not deprecate for a moment but I would like, as much as possible, to give a certain balance to the considerations which need to be considered.

I would urge, therefore, that through some such device as increased minimums that the immigration from Asia, increased immigration, should be made possible. And, further, of course, that all racial discriminations be eliminated; that there be made a uniform rule for determining the quotas to which an alien is charged. Many of us, of course, have argued that point during the last few years in connection with the McCarran-Walter bill without success, but it is a thing we must combat, and sooner or later, I am sure, we will see the wisdom of eliminating that particular discrimination—not only because the discrimination is unjust, but because I think we need those people, I think they are going to be an asset if they should come—and have a larger representation from important Asian peoples. So much, perhaps, for immigration. I was speaking only along the broadest line and not attempting to go into detail.

Another major point, which I hope the Commission will give consideration to, is an entirely new concept with respect to deportation. It seems to me that the old concept of deportation is something that belonged to another period in our history; that we are going into a period where the thing is no longer consonant either with our foreign policy or with our general goals. Deportation may have been all right when we thought of America as more or less independent of the rest of the world, but where we are in partnership with other peoples, what purpose does it serve to send back to countries which are our allies in defense against a communistic struggle, people who may be a liability to them when we are better able, perhaps, to handle that problem right here.

It seems to me that the basic principle is that there should be no deportations, for whatever cause, in the case of aliens admitted to the United States legally, freely, and without fraud, for permanent residence, except for subversives who can be deported to totalitarian countries.

Now that would mean a very radical departure from our whole history of procedure in this field, but I——

The CHAIRMAN. What are you advocating: that we eliminate all deportation?

Mr. LEWIS. All deportations in the case of persons who have been legally and freely, without fraud, admitted to this country; we make at this time the most searching investigations of persons who apply for admission here. When I say investigate people, I mean just as much as we want to, but once having investigated them, and accepted them, and they having declared their wish to depart from their native countries to come here, I think the responsibility for those people is ours, and that we have no right to send them back, for any cause whatsoever, to other countries which are our friends. If they are subver-

sives, and that means, in a way, a kind of political enemy, and we can send them to totalitarian countries, by all means let's do so.

The CHAIRMAN. What should this country do with subversives that it can't deport because their country of origin refuses to take them?

Mr. LEWIS. I would treat them as we do our native-born subversives. I see no basic difference there. If we can't deport them to totalitarian countries, let's deal with them exactly as we would our native-born subversives. Now we put them in jail if they offend against our laws.

The CHAIRMAN. Well, we issue deportation orders, but where those orders cannot be carried out, I would like to know what solution can be offered to that problem?

Mr. LEWIS. What I am saying about deportation, of course, does not apply to the person who comes in illegally—there, we have not accepted him, and it seems to me entirely proper to deport those people.

Commissioner HARRISON. Or one who misrepresented any situation—such as fraud?

Mr. LEWIS. Any element of fraud.

The CHAIRMAN. How would you treat people who have been admitted legally on a temporary visa, and who do not leave when the visa has expired?

Mr. LEWIS. But we have not admitted them for permanent residence, and I think deportation in such cases is entirely justified. Whether there may be other reasons that would make us want to change the status of such people is a thing to be answered on other grounds.

Now I don't want to take too much time. In regard to emergency legislation, I am not going to discuss that because I am not nearly as well qualified as many other people that will appear before you. There is one point that I would like to make in regard to emergency legislation. There have been a number of proposals. President Truman submitted one to Congress: That we admit 100,000 persons in certain categories per year for the next 3 years. I would like to suggest to the Commission the possibility of perhaps utilizing, pooling the unused quotas, as a device to take care of many thousands of the persons in that emergency category. Congress has shown the greatest reluctance to look favorably upon the idea of pooling unused quotas. Possibly, it would be an opening wedge to try and tie that particular device to the solution of some of these emergency problems.

They might be willing—and this is only a suggestion—to try the thing out for a limited number of years on an emergency basis. My hope would be that the thing would work so well, and we would get so used to seeing that the thing could practicably be done, that it could be adopted as a part of a more permanent, flexible, long-term system.

Now the third area that I mentioned, amendments to the new Immigration and Nationality Act, it seems to me that the Commission could do a real service by calling emphatic attention to some of the most serious deficiencies of that act within the framework of our quota system. That is, without trying to change the whole system, because I think that the act offends against many of our staunchest American traditions. For example, we have in the act instances of where deportation is provided for acts which were not grounds for deportations when admitted. Now I think that is thoroughly un-

American, and I think if the Commission could bring home to the American people that that was done, that there would be a tremendous public sentiment for changing that kind of thing. I think there is no justification for providing deportation for past membership in subversive organizations where such membership may have occurred years ago, and where there is no question but what the person, whatever his original motive, has completely reformed. Now I see no justification for deportation under those circumstances, and it seems to me that the purpose of this Commission, one of them, is to call public attention to certain things which are thoroughly outside of the American tradition, because, unfortunately, a lot of those things are in that act. Now that doesn't in any way change the general framework of the act, and you could amend some of these things that are thoroughly un-American without doing away with the quota system, or admitting a lot more immigrants, or things like that.

Another thing: The act has practically eliminated the statute of limitations. Now that is a concept which we know, or most of us take for granted, is sound. I mean it seems a just thing not to have people forever in jeopardy for something that they may have been more or less innocent of, and in a period of years if our Government has not taken action against a person, it seems to me that the statute of limitations should step in, and that we should revive it in regard to certain types of cases at least.

Another point: The act includes—I spoke of Asian immigration a few moments ago—that there shall be a limitation of 2,000 on quotas for Asiatic countries, and if any new country should come along, or divisions and so forth, so that you got more than 20 more than the minimum quotas, then you have to reduce your minimum quotas below 100. I mean that's sort of insulting it seems to me—the numbers don't mean anything. But why, I mean, just insult the Asian Continent with a provision of that kind?

Then, there are certain discriminations against naturalized citizens which it seems to me should be wiped off of the law. For example, it permits the revocation of naturalization in the case of a naturalized citizen who refuses to testify before congressional committees within 10 years after naturalization. Now I can see no real justification for singling out naturalized citizens on a point like that. It may not be very important in practical effect, but it seems to me it is wrong in principle.

Another thing is I think it is sound that there should be equal immigration rights for the natives of independent and nonindependent countries in the Western Hemisphere. There, again, that may have no great numerical effect, but I think that is sound. It will promote better feeling and would not change the basic framework of the act itself.

There will be other points like that which, I am sure, many people will put before you. But it seems to me a ringing challenge of some of those provisions of that kind would be important in arousing public opinion, and perhaps get much prompter action than we might under all circumstances hope.

The CHAIRMAN. Thank you very much, Mr. Lewis.

Rabbi Kramer, you are scheduled as our next witness.

**STATEMENT OF RABBI SIMON G. KRAMER, PRESIDENT OF THE  
SYNAGOGUE COUNCIL OF AMERICA AND PRESIDENT OF THE  
NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL, ACCOMPANIED BY HIS ASSISTANT, WILL MASLOW**

Rabbi KRAMER. My name is Rabbi Simon G. Kramer and I am president of the Synagogue Council of America and president of the National Community Relations Advisory Council, and am representing both of those organizations.

I am here in behalf of 37 national and local Jewish organizations. In the interest of time I shall not enumerate them but mention only their two parent bodies, the Synagogue Council of America and the National Community Relations Advisory Council. Also, in order to stay within the time allotted to me, I shall confine myself to reading a statement, and would also like for the record to submit a larger statement which has also been prepared for your Commission's consideration.

The CHAIRMAN. You may do so.

Rabbi KRAMER. I should like to thank the Commission at the outset for this opportunity to testify and to commend the Commission for its wise decision to hold hearings across the country to learn at first hand what the people think about the issues of immigration and naturalization.

Now I shall get to the body of this presentation :

This statement is addressed to an appraisal of the general assumptions upon which our immigration system is built and from which its major inadequacies derive, rather than to a detailed résumé of each of its specific faults. Recent proposals have been in the nature of cosmetic legislation aimed, like cosmetic surgery, at patching and prettying an essentially unsound condition, without appreciably changing its underlying character. We have become so preoccupied with a strategy of tinkering that we have lost sight of the fact that concepts lying at the heart of our immigration system are incredibly out of joint with the knowledge and needs of our time and with the hopes and beliefs of the vast majority of the American people.

These concepts may be grouped, as is done in this statement, under the following headings: (1) National-origins quota system; (2) deportation; (3) inequality between native-born and naturalized Americans; and (4) opportunity for appellate review.

The organizations which join in this presentation have no special private cause to plead, they have no special self-interest in the improvement of our immigration laws. It is a tragic fact that such betterment neither primarily nor directly will redound to the benefit of prospective Jewish immigrants or to the special advantage of the Jewish community in this country. The remnants of world Jewry are largely scattered islands steadily shrinking in size, mostly destined for migration to Israel. Our interest with immigration laws is of a different character. It is the interest of Americans concerned with the reformulation of basic laws to accord with democratic principles.

Of course, we have an obligation to protect ourselves against those who seek to enter the United States for purposes of subverting our democratic system of government. In addition, we are compelled to set up some principles of selection to choose the comparative few out



of the many who wish to enter. But these principles of selection must not be motivated by fear or dislike. Xenophobia has no place in a vigorous and confident democracy. More important than any other changes which might be recommended by this Commission is a change in official attitude from one of suspicion to one of welcome. Immigration is not only a humanitarian gesture. It expresses our national need for manpower to maintain the strength and vigor of our economy. We must recase our thinking and begin looking upon the immigrant as a dignified human being who should be made to feel at home and permitted to take his place among us without subjection to unending ordeals, tests, and challenges. If we are to meet our responsibilities justly, we must stop daring the immigrant to get here and start inviting him to come.

Let me address myself now to the major items I mentioned a moment ago:

First, the national-origins quota system. The national-origins formula was no legislative accident. The end of World War I brought with it an intensified demand for sharp limitation of immigration. These demands were strengthened and made persuasive in the atmosphere of a severe postwar recession and the emergence of the bigoted Ku Klux Klan as a political force. Even cursory review of legislative debate in 1924 discloses that the authors of the quota plan deliberately and carefully and consciously contrived to encourage immigration from western Europe and to discourage all other immigration.

Senator Reed, who introduced the national-origins formula into the Senate and who then served as chairman of the Senate Committee on Immigration, revealingly declared during hearings on the immigration bill conducted by his committee that—

I think most of us are reconciled to the idea of discrimination. I think the American people want us to discriminate—our duty is to the American people, and we owe no duty to be fair to all nationals.

The national-origins quota system assumes that our national institutions bear the stamps of a particular nationality in the same proportion that persons of that national descent bear to the whole population. But cultures are not amenable to such analysis any more than plants, animals, or humans can be viewed as a result of a simple addition of the chemical compounds they absorb. The vast developments which have taken place in American life throughout our history are not the mechanical result of simple additions from elements of immigrant cultures but rather the evolution of a new and distinctive culture in response to the demands of a new environment.

To use but one illustration, the new German quota that will come into effect under the McCarran law is about 25,814, while quotas for Italy, Greece, and Turkey are 5,645, 308, and 225, respectively. This discrepancy can find no warrant in the theory that it results in the selection of immigrants from countries whose traditions, languages, and political systems are akin to ours. It would be absurd to claim that the Germany which twice precipitated the world into war, which was warped by Nazi propaganda for more than a decade prior to 1933 and molded by 12 years of Nazi power, is culturally closer to America than Italy, Greece, or Turkey. And if Germany is closer, is the degree of propinquity 80 times greater than in the case of Greece, or four times greater than in the case of Italy, or 115 times greater than in the case of Turkey?

America's richness has not been merely our material resources, amply endowed though we are. It has been, even more, our diversity of peoples and cultures and our unique ability to fashion a creative national unity out of that diversity. This has proved to be our real strength.

The failure of successive legislatures to expunge the national origins system from our statutes has resulted in the retention of a series of preferences, priorities, bars, and prohibitions which stamp a seal of inferiority upon persons of other than Anglo-Saxon origin. For all of its highly advertised purging of racism from our immigration laws, closer inspection of the McCarran law, Public Law 414, reveals that it contains such provisions as the section establishing the "Asia-Pacific Triangle" (sec. 202 (b)) limiting annual immigration from countries in that area to a maximum of 100 a year, with no reference to any formulas or figures and with no rationale save that of antipathy to persons coming from that part of the world. Negro immigration, in like fashion, is carefully restricted by denying certain dependent areas in the West Indies, for the first time, the right to use quotas belonging to the mother country. Moreover, quotas under Public Law 414 continue to be premised upon the 1920 census, a device clearly intended to freeze if not paralyze the composition of our population.

In support of the national origins system it is frequently urged that given the need for some quantitative restriction of immigration, there exists no other feasible method of apportionment. Surely, human ingenuity is not so feeble. To claim that the existing discriminatory and arbitrary scheme is just because no other alternative can be devised is to confess to an extraordinary lack of imagination. Without, by any means, exhausting the alternatives the following changes in the method of apportionment might be suggested :

(1) Distribution of visas on a first-come, first-served basis with preferences, for relatives of citizens or legal residents, and victims of racial, religious, or political persecution and those who possess special skills. Existing laws set minimum qualifications for admission. Those who are physically, mentally, or morally unfit may not enter. There is thus reasonable assurance that those who do qualify for entrance are sound human beings. The present large British quota of over 65,000 is currently being administered on a first-come, first-served basis. There is no reason this could not be done for the overall quota. The advantages of the system of course lie in its simplicity, the abolition of the discriminatory bias of the national origins formula, and the increased opportunity for obtaining persons with needed skills through broadening the geographical sources of immigration. It is perfectly practicable to control the annual issuance of visas from Washington. Moreover, emergency situations could be handled by Executive order creating special priorities within the nonpreference class.

(2) Utilization of a flexible system of apportionment by administrative determination: Once the national-origins quotas are dropped, it would be possible to establish an administrative or executive commission to fix annual quotas taking into account numerous factors such as individual and national needs, mental and physical ability, family status or special skills. This commission's determinations would be based upon the absorptive capacity of our economic and so-

cial system and would allow periodic readjustment of the total to be admitted each year. There is nothing hallowed about the 140,000 or 150,000 annual visa figure. Nor is there any reason ever to fix a final immigration ceiling to remain in effect for all time. The possibility that an illiberal agency might exploit this opportunity to reduce annual immigration could be precluded by establishing the present figure of 150,000 annual visas as a minimum. We would then have a firm floor and a flexible moving ceiling which could be made responsive to our domestic economic health and to our responsibilities abroad.

We are, of course, cognizant of the problem of refugees and surplus populations to which President Truman drew attention in his message to Congress last March 24. It is our conviction that this problem should not be approached on the basis of piece-meal emergency legislation. It is possible within the bounds of our permanent immigration laws to give special attention to distressed areas by increasing the total number of immigrants to be admitted annually and by reserving a substantial priority within that number, for persons who are persecutees or refugees. The world situation urgently requires that the national-origins system be eliminated. Once this is accomplished we are then equipped to meet emergency needs within the framework of a just, humane, and flexible immigration system. So much for point No. 1.

B. Deportation: The concept of deportation as employed in our basic immigration laws is not less in need of drastic revision. We believe that once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country unless his immigration was based on fraud or illegal entry. Deportation used as a penalty is inhumane and medieval. It frequently punishes persons entirely innocent, such as members of the immediate family of the deportee. An alien who does wrong should be punished for his wrong the same as a citizen but the punishment should not carry with it the additional penalty of "banishment."

Immigrants who come to this country are not here on consignment. Those persons who pull up their roots and rearrange their lives to come to the United States under our laws and under a system of qualifications which we draw and which we administer are entitled to believe that once here they will be allowed to remain and that they will be dealt with justly and equally. This, of course, does not imply that they are not to be penalized or held fully accountable for their crimes or their mistakes. Of course, they should. It does mean that they are not to be assessed with penalties higher in degree or in character from those imposed on native Americans for like acts.

We hold no brief for the criminal, the wrongdoer, the narcotics user, the subversive, or the alien who seeks through immoral means to obtain personal advantage. The criminal alien represents a menace, but it differs in no discernible character, quality, or degree from the menace represented by the criminal native-born. The reconstruction and rehabilitation of defective, sick individuals is a job for our entire community. It is not one which can be avoided by the simple means of ejecting those whom we find unpleasant. The marriage of the immigrant and of the United States is presumably one premised on sincerity on the part of both and it is marriage for better or for worse.

Now as to point No. 3.

C. Inequality between native-born and naturalized citizens: Distinctions between native-born and naturalized citizens in our immigra-

tion laws must be eliminated as contrary to the spirit of the Constitution. The naturalization process should insure that before a person is naturalized, he is genuinely attached to the governing principles of this country. Thereafter, certificates of naturalization should not be canceled, save upon a showing of fraud.

The stamp of a free and secure society is its abjuration of all forms of limited citizenship. Our courts have declared that under our Constitution a naturalized citizen stands on an equal footing with a native-born citizen, in all respects save, of course, eligibility for the Presidency. They have explicitly rejected the notion that "the framers of the Constitution, intended to create two classes of citizens, one free and independent, one haltered with a lifetime string attached to its status."

Now as to point No. 4.

D. Opportunity for appeal and review: The core of the American system of justice is that each person shall be accorded a fair hearing. Public Law 414 fails to accord to immigrants or aliens the necessary judicial protection which accompanies the concept of fair hearing by omitting any provision for a statutory board of immigration appeal and a visa review board. To prevent prejudice, arbitrariness, or caprice in the award of visas, and in the grant of the all-important opportunity for immigration, we urge legislation or legislative provision for the establishment of a visa review board empowered to review and reverse consular decisions to issue or deny visas and a statutory board of immigration appeals. Measures addressed to these objectives will surround the immigration process with the protection and safeguards it merits.

Now in conclusion: The eloquent affirmation of the Declaration of Independence that "all men are created equal" expresses the cardinal democratic belief that all persons are to be regarded as equally capable of intelligence, freedom, and social usefulness; that every individual can claim the right to be judged on his merits. The immigration policy enacted in 1924 was a repudiation of that doctrine, for it asserted that persons in quest of the opportunity to live in this land were to be judged according to breed like cattle at a country fair and not on the basis of their character, fitness, or capacity.

This Commission has a significant opportunity to recommend the shaping of our immigration and naturalization laws so that they may better conform to American ideals and experience, which require equal treatment of all persons and the fullest guaranties of basic civil liberties. In the light of our knowledge and aspirations and indeed in the light of the needs of the Nation, the national origins quota system and the concept of penal deportation must be abolished and the internal administration of our immigration processes must be improved. Our immigration and naturalization laws must be purged of every taint of racial, religious, and ethnic discrimination. Nothing less than this is worthy of a freedom-loving people.

Mr. Chairman, I have concluded.

The CHAIRMAN. Thank you very much. I have just one question. You mentioned that immigrants who came here "are not here on consignment," and that although an alien should be punished for a wrong he commits, like any citizen, nevertheless that punishment should not also carry with it what you referred to as the penalty of "banishment."

Would you call it banishment when the alien who chooses to remain here and chooses not to become a citizen of the United States commits an offense against the laws of the country where he has chosen to remain as a guest?

Rabbi KRAMER. I understand what you are asking me. I understand what you are saying. I am not familiar with the technicalities of either the laws pertaining to aliens or the laws pertaining to those who have become naturalized as citizens of the United States.

It seems to me that on a broad base, that an offense against America is an offense against America whether it is made by a native-born citizen or naturalized citizen, or whether it is made by an alien who has been after due processes of law and after those safeguards which American institutions have provided for the admission of immigrants, that the same laws ought to pertain to all of them, even to the alien who has not chosen to become a citizen of the United States, for whatever the reason may be, after a certain period of time.

The CHAIRMAN. But he chooses to remain here and accept the hospitality of this country, maybe to prosper here, but to remain a citizen of the country from which he came. Now I just don't quite follow you when you say that a deportation order that violates the hospitality of the country that he has voluntarily chosen to accept, that that is banishment or punishing him to a degree not necessary, and you put him in the same class as a native-born citizen or naturalized citizen. I don't follow that.

Rabbi KRAMER. I am thinking of the Biblical injunction that there should be one law for both a native-born, as well as the stranger in your midst. Now I am interpreting the "stranger" in the Bible a little more broadly than most people, perhaps. But the word "stranger" as used in the Bible in my interpretation is an individual who even lives as an alien in a country without having applied for citizenship.

The CHAIRMAN. Yes, but you do that, you follow the Bible, and there is one law. But, suppose he chooses to violate that law, what then?

Rabbi KRAMER. Then he should be punished the same as a native-born citizen, both for the good of the citizen and for the good of the country.

The CHAIRMAN. There is nothing in the Bible that enjoins anybody to compel you to keep a stranger in your midst who violates the laws of your country.

Commissioner HARRISON. Now the chairman may be getting over into another field. It may be a wise policy—and I have heard it advocated by the Attorneys General of the United States—that all aliens we admitted should be required to make a choice at the end of a given number of years, and then either become citizens or else depart. That is a large policy question in itself.

But are you saying that you would not differentiate between the alien who admitted or was admitted for permanent residence and admitted legally and admitted without fraud, that you would not distinguish between that person 2 years after his admission or 10 years after his admission?

Rabbi KRAMER. That is right. Thank you very much for clarifying my statement.

The CHAIRMAN. Thank you for appearing. Your other prepared statement will be inserted in the record.

(The prepared statement of Rabbi Simon G. Kramer follows:)

This statement is submitted on behalf of the following organizations: The Synagogue Council of America, which includes rabbinic and synagogal groups representing the three wings of Jewish religious life in this country as follows: Central Conference of American Rabbis; Rabbinical Assembly of America; Rabbinical Council of America; Union of American Hebrew Congregations; Union of Orthodox Jewish Congregations; and the United Synagogue of America; and Jewish community relations organizations, both national and local, which are engaged in programs to foster interreligious and interracial amity in furtherance of the principle that all men are to be dealt with justly and equally in total disregard of race, creed, religion, or ancestry. These organizations, affiliated in the National Community Relations Advisory Council, include the American Jewish Congress, the Jewish Labor Committee, the Jewish War Veterans of the United States, Union of American Hebrew Congregations and 27 local Jewish councils throughout the United States, including one regional council in the Southwest, embracing parts of three States, two State councils in Minnesota and Indiana, and local councils in Alameda and Contra Costa Counties, Calif.; Akron, Ohio; Baltimore, Md.; Boston, Mass.; Bridgeport, Conn.; Brooklyn, N. Y.; Cincinnati, Ohio; Cleveland, Ohio; Detroit, Mich.; Essex County, N. J.; Hartford, Conn.; Indianapolis, Ind.; Kansas City, Kans.; Los Angeles, Calif.; Milwaukee, Wis.; New Haven, Conn.; Norfolk, Va.; Philadelphia, Pa.; Pittsburgh, Pa.; Rochester, N. Y.; St. Louis, Mo.; San Francisco, Calif.; Washington, D. C.; and Youngstown, Ohio.

This statement is addressed to an appraisal of the general assumptions upon which our immigration system is built and from which its major inadequacies derive, rather than to a detailed résumé of each of its specific faults. The hearings and congressional debates on the McCarran-Walter immigration bill permitted private agencies, at least partially, to express criticism of individual sections of the present law and the McCarran-Walter measures which have since been enacted as the immigration and naturalization law of 1952 and which will become effective on December 24 of this year. Because of the failures of the last Congress those criticisms remain tragically in point. At the same time, much of the discussion in this field has tended to obscure consideration of basic immigration principles. Recent proposals have been in the nature of cosmetic legislation aimed, like cosmetic surgery, at patching and prettifying an essentially unsound condition, without appreciably changing its underlying character. We have become so preoccupied with a strategy of tinkering that we have lost sight of the fact that concepts lying at the heart of our immigration system are incredibly out of joint with the knowledge and needs of our time and with the hopes and beliefs of the vast majority of the American people.

These concepts may be grouped, as is done in this statement, under the following headings: National origins quota system, deportation, inequality between native-born and naturalized Americans, and opportunity for appellate review.

The organizations which join in this presentation have no special private cause to plead, they have no special self-interest in the improvement of our immigration laws save that of Americans concerned with the reformulation of basic laws to accord with democratic principle. It is a tragic fact that such betterment neither primarily nor directly will redound to the benefit of prospective Jewish immigrants or to the special advantage of the Jewish community in this country. More than 6 million Jews in Europe were exterminated in Nazi gas chambers and concentration camps; another 3 million remain irretrievably locked behind the iron curtain with no foreseeable prospect of fight. The remnants of world Jewry are largely scattered islands steadily shrinking in size, mostly destined for migration to Israel. Our concern with immigration laws is of a different character.

Immigration laws crystallize and express a society's basic human values. They deal with our relationship with people other than our immediate neighbors. Such laws affirm the degree of our acceptance or rejection of the essential quality of all human beings. They codify our prejudice or our freedom from prejudice. They reveal the measure of correspondence between our professed ideals and our practices. In our endeavor to increase this measure of correspondence, it would be unintelligent and profligate deliberately to blind ourselves to the body of social and scientific knowledge and experience we have acquired since 1924. The many urgent problems of migration and resettlement now demanding immediate solution prohibit continued indulgence in artificial respiration of the phobias, fears, and phantasies of some 25 or 50 years ago. Concepts like the national origins quota system or deportation have hardened over the years until they have come

to be regarded as somehow sacrosanct and immutable. Since 1924 we have maintained by default a method for the selection of immigrants and for the treatment of aliens and naturalized Americans which flies arrogantly in the face of everything we know and have learned, and which stand as a gratuitous affront to the peoples of many regions of the world. The welfare of this country and its people requires that we put aside our palliatives and half-way measures and that we come to grips with those fundamental central provisions of our immigration laws which have been a source of national embarrassment in the conduct of attitude from one of suspicion to one of welcome. Immigration is not only a humanitarian gesture. It expresses our national need for manpower to maintain the strength and vigor of our economy. We must recast our thinking and begin looking upon the immigrant as a dignified human being who should be made to feel at home and permitted to take his place among us without subjection to unending ordeals, tests, and challenges. If we are to meet our responsibilities justly, we must stop daring the immigrant to get here and start inviting him to come.

#### A. NATIONAL ORIGINS QUOTA SYSTEM

In brief, the national origins formula adopted in 1924 and employed ever since, admits a total of approximately 150,000 people a year and except for nations of the Western Hemisphere fixes maximum quotas for each country. Quotas range from 100 to 65,000 and each country's quota is based on a percentage of persons of that national origin resident in the United States in the year 1920.

Under present quota allocations over 70 percent of the number of visas available annually are allotted to natives of northern and western European countries. In the years 1910-14 immigration from southern and eastern Europe was more than four times as large as that from northern and western Europe. Yet under the permanent quotas of the 1924 act five times as many immigration quotas are assigned to northern and western Europe as are allotted to eastern and southern Europe.

The national origins formula was no legislative accident. The end of World War I brought with it an intensified demand for sharp limitations upon immigration. The quest for normalcy which dominated the time was associated with the rise of isolationism and of antipathy toward the peoples of Europe and the rest of the world. Rumors were widespread that the United States would soon be inundated by a flood of new immigrants from a devastated Europe. Restrictionists pointed to the arrival of 802,228 immigrants in the fiscal year of 1921, 65.3 percent of which came from southern and eastern Europe, as proof that literacy tests and other comparable tests of personal physical, mental, and moral qualification, failed to achieve a lessening of the flow of new immigration. These arguments were strengthened and made persuasive in the atmosphere of a severe postwar recession and the emergence of the bigoted Ku Klux Klan as a political force.

Congress thereupon quickly passed the first quota act of 1921 limiting immigration to an annual total of approximately 350,000 and setting a ceiling to the number of any nationality admitted at 3 percent of the foreign-born persons of that nationality who resided here in 1910. The 1921 act, however, was drawn only as an emergency, makeshift measure. Not until 1924 was the national origins formula enacted and our quota system placed on a new and permanent basis.

Even cursory review of legislative debate in 1924 discloses that the authors of the quota plan deliberately, carefully, and consciously contrived to encourage immigration of the English, French, Irish, Germans, and other western Europeans and to discourage all other immigration. Resting upon a theory compounded of bigotry and ignorance they argued that persons of other national origins represented inferior biological stocks and possessed ethnic qualities making them unassimilable. The pages of the Congressional Record of those days reflect an intense preoccupation with race and blood, a preoccupation which today would seem monstrous. A report was submitted by Dr. Harry Laughlin, appointed in 1922 by the House Committee on Immigration to study the biological aspects of immigration and reportedly cited during debate by those who favored the national origins formula. The Laughlin report asserted:

"Our outstanding conclusion is that making all logical allowances for environmental conditions which may be favorable to the immigrant, the recent immigrants (southern and eastern Europe) as a whole present a higher percentage of inborn socially inadequate qualities than do the older stocks. \* \* \* The differences in institutional ratios by races and nativity groups found by these

studies represent real differences in social values, which represent, in turn, real differences in the inborn values of the family stocks from which the immigrant springs."

Senator Reed, who introduced the national origins formula into the Senate and who then served as chairman of the Senate Committee on Immigration, revealingly declared during hearings on the immigration bill conducted by his committee that: "I think most of us are reconciled to the idea of discrimination. I think the American people want us to discriminate. \* \* \* Our duty is to the American people and we owe no duty to be fair to all nationals."

At the time of its adoption, there was no misunderstanding on anyone's part as to the significance and objectives of the national origins formula. A vigorous minority report of the House committee bluntly named the national origins plan for what it was and condemned it for imposing an arbitrary and adventitious test out of keeping with national policy:

"The obvious purpose of this discrimination, however much it may now be disavowed, is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of the fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudo-scientific proposition. It is pure invention and the creation of a journalistic imagination."

Then, as now, the national origins formula was founded on the dual premise that racial strains other than those which might roughly be grouped as Anglo-Saxon have a contaminating effect upon the people of this country. And, secondly, that the non-Anglo-Saxon groups comprise an indigestible lump in the life stream of our community, detrimental if not fatal to the creation of a distinctively American tradition.

Were it not for the continued support accorded the national origins plan and were it not for the shocking statements made by supposedly knowledgeable men on the floor during debate on the McCarran-Walter bill, one would assuredly think it unnecessary in this day and age to elaborate the point that from a scientific view, doctrines of Nordic or Anglo-Saxon ancestry are sheer undiluted hokum. Because of these statements, however, and at the risk of needlessly reiterating truisms, it should again be recorded that the unanimous testimony of physical anthropologists is that the concept of a "pure race" is nothing more than an abstraction, bearing no concrete relation to the real world. No pure race can be found in any civilized country. Racial purity is restricted at best to remnants of savage groups in isolated wildernesses. The present races of man have intermingled and interbred for so many thousands of years that their genealogical lines have become inextricably confused. The concept of race is at the most a zoological device whereby indefinitely large groups of individuals of more or less similar physical appearance and approximately similar hereditary background are classified together for the sake of convenience. In the words of Prof. Ashley Montagu, "not one of the great division of men is unmixed, nor is anyone of its ethnic groups pure \* \* \* all are a mixture."

Moreover, even conceding for purposes of classification the existence of separate and distinct races, there is no proof whatever that mental capacity, moral sensibility, or cultural achievement are a function of race. It is evident to the scientist, if not to the legislator, that each racial type runs the gamut from idiots and criminals to geniuses and statesmen. And, no racial type produces a majority of individuals at either end of the scale. So far as is known there are no racial monopolies either of human virtues or of vices.

Scientific study and social experience have surely withered these racist fictions with the finality of an atomic blast. It is paradoxical that America, which prides itself on its loyalty to the dictates of scientific knowledge and discovery, should continue to base so significant a portion of its legal and legislative structure on foundations thoroughly and irrevocably exploded by scientific finding.

Recognizing the stupidity of alleging a biological ranking among racial groups, some restrictionist spokesmen have attempted instead to stress the value of the national-origins formula as expressing the ease with which the various peoples submit to cultural assimilation. Setting aside for a moment the question of cultural homogeneity as a desirable national objective, it is worth pausing to examine a few of the old wives' tales that have evolved in this connection.

The allegation that the new immigrants from southern and eastern Europe depress wage levels and resist unionization is answered by the rise of the International Ladies' Garment Workers Union, the Amalgamated Clothing Workers Union and other trade union organizations which have brought about a stabilization of



employment conditions and industries into which newer immigrants flow. Lastly, the frequent allegation that southern and eastern Europeans have tended to congregate in cities is an obvious distortion of the fact that urbanization is a characteristic of modern industrial life, by no means confined to immigrants. Mechanization of farms has led to a shift of population to urban centers. Moreover, insufficient emphasis has been given to foreign colonies as stepping stones to assimilation. In time immigrants from such colonies tend to distribute themselves generally throughout America. Analysis of available statistics indicates that since 1910 immigrants from southern and eastern Europe have not concentrated in urban areas to a greater extent than other groups.

The national-origins quota system incorporates into law a network of unfounded estimates of cultural assimilability. It wholly disregards the phenomenon of cultural change. It assumes, for example, that our national institutions bear the stamp of a particular nationality in the same proportion that persons of that national descent bear to the whole population. But cultures are not amenable to such analysis any more than plants, animals, or humans can be viewed as a result of a simple addition of the chemical compounds they absorb. The vast developments which have taken place in American life throughout our history are not the mechanical result of simple additions from elements of immigrant cultures but rather the evolution of a new and distinctive culture in response to the demands of a new environment.

To use but one illustration, the new German quota that will come into effect under the McCarran law is 25,814. It is the second largest in size ranking after that of Great Britain and Northern Ireland (65,361). Quotas for Italy, Greece, and Turkey are 5,645, 308, and 225, respectively. This discrepancy can find no warrant in the theory that it results in the selection of immigrants from countries whose traditions, languages, and political systems are akin to ours. It would be absurd to claim that the Germany which twice precipitated the world into war, which was warped by Nazi propaganda for more than a decade prior to 1933 and molded by 12 years of Nazi powers, is culturally closer to America than Italy, Greece, or Turkey. And if Germany is closer, is the degree of propinquity 80 times greater than in the case of Greece, 4 times greater than in the case of Italy, and 115 times greater than in the case of Turkey?

That northern and western Europeans adjust to American life better than eastern and southern Europeans is a baseless assertion. Those who insist upon assimilation by the obliteration of all foreign traits with the utmost speed and thoroughness have ignored the development and enrichment of our cultural life which has accrued from the adaptation of ideas and customs of European or other origin. As Prof. Franz Boas has said: "The social resistance to Americanizing influence is so weak that it may rather be regretted that we profit so little from the cultural heritage of the immigrants than that we should fear their modifying influence upon American thought and sentiment."

America's richness has not been merely our material resources, amply endowed though we are. It has been, even more, our diversity of peoples and cultures and our unique ability to fashion a creative national unity out of that diversity. That has proved to be our strength as well as our richness. Totalitarianism carries within itself the seeds of its own destruction through the mechanical uniformity it seeks to impose, for imposed uniformity must ultimately result in social and human degeneration. Uniformity can emerge not only from legal or physical coercion, but as a result of rigidly limiting the human resources on which we should be free to draw. The "American type" has not been nourished at a single fount; it has drawn from many springs, and it must continue to draw from many springs if it is to be enriched—indeed, if it is to remain healthy.

The failure of successive legislatures to expunge the national origins system from our statutes has resulted in the retention of a series of preferences, priorities, bars and prohibitions which stamp a seal of inferiority upon persons of other than Anglo-Saxon origin. For all of its highly advertised purging of racism from our immigration laws, closer inspection of the McCarran law, Public Law 414, reveals that it contains such provisions as the section establishing the "Asia-Pacific triangle" (sec. 202 (b)) limiting annual immigration from countries in that area to a maximum of 100 a year, with no reference to any formulas or figures and with no rationale save that of antipathy to persons coming from that part of the world.

Indeed, the new law is so thoroughly immersed in racist feeling that for persons deriving from the "Asia-Pacific triangle" usual procedures are exactly

reversed. Country of birth for this group is made irrelevant and the fact of racial ancestry becomes the single important criterion upon which admissibility depends. A native Englishman, even one of whose parents derived his ancestry from China, Japan, Korea, or other countries within the so-called Asia-Pacific triangle is not permitted to enter this country under the ample British quota; he is compelled to seek admission under the limited quota of 100 for the Asia-Pacific country. Public Law 414 thus imposes an inescapable onus upon some racial groups, never to be avoided no matter to what ends of the earth their members may travel. Negro immigration, in like fashion, is carefully restricted by denying certain dependent areas in the West Indies, for the first time, the right to use quotas belonging to the mother country. Moreover, quotas under Public Law 414 continue to be premised upon the 1920 census, a device clearly intended to freeze if not paralyze the composition of our population. Because those areas of the world whose peoples are most urgently in need of resettlement and most deserving of assistance have among the lowest of the quotas and because these quotas are in almost every case oversubscribed for years to come, our present immigration laws are more ironic than helpful. All of these inequities, along with a host of others, would be removed at one stroke with the elimination of the quota system.

In support of the national-origins system it is frequently urged that given the need for some quantitative restriction of immigration, there exists no other feasible method of apportionment. Surely, human ingenuity is not so feeble. To claim that the existing discriminatory and arbitrary scheme is just because no other alternative can be devised is to confess to an extraordinary lack of imagination. Without, by any means, exhausting the alternatives the following changes in the method of apportionment might be suggested:

(1) Selection on the basis of individual merit. Ideally this would be most desirable. Practically, it may be doubted whether scientific testing has yet reached the point of accurately predicting which of two qualified visa applicants would make a better resident of the United States.

(2) Distribution of visas on a first-come, first-served basis with preferences, for relatives of citizens or legal residents, and victims of racial, religious, or political persecution and those who possess special skills. Existing laws set minimum qualifications for admission. Those who are physically, mentally, or morally unfit may not enter. There is thus reasonable assurance that those who do qualify for entrance are sound human beings. It is perfectly practicable to control the annual issuance of visas from Washington. The present large British quota of over 65,000 is currently being administered on a first-come, first-served basis. There is no reason this count not be done for the over-all quota. The advantages of the system of course lie in its simplicity, the abolition of the discriminatory bias of the national-origins formula and the increased opportunity for obtaining persons with needed skills through broadening the geographical sources of immigration. Moreover, emergency situations could be handled by Executive order creating special priorities within the nonpreference class.

Abolition of the national-origins quota system does not necessarily entail increasing the number of immigrants to be admitted yearly. We are speaking here not of the size of the loaf but to the evenness and wisdom of the slices. It should be noted, however, that once the waste intrinsic in the national origins plan is eliminated, there will ensue an automatic increase in the number of persons eligible for admission. At present, for example, Great Britain is allowed almost half the available visas and yet, year after year, it fails to use more than a small percentage. The remaining visas now are lost. Under a plan which looks toward the personal qualifications of the individual rather than to the extraneous fact of his place of birth, we could be assured of maximum use of the yearly visa allocation.

(3) Utilization of a flexible system of apportionment by administrative determination. Once the national-origins quotas are dropped, it would be possible to establish an administrative or executive commission to fix annual quotas taking into account numerous factors such as individual and national need, mental and physical ability, family status or special skills. This Commission's determinations would be based upon the absorptive capacity of our economic and social system and would allow periodic readjustment of the total to be admitted each year. There is nothing hallowed about the 150,000 annual visa figure. Nor is there any reason ever to fix a final immigration ceiling to remain in effect for all the time. The dangers of permitting apportionment of visas by a commission lie in the possibility that inadequate or improper congressional standards and lack

of opportunity for review of administrative determinations would permit the Commission to allocate quotas in conformity with its own prejudices, or the prejudices of other special groups rather than with individual merit and national needs. However, possibility that an illiberal agency might thus exploit this opportunity to reduce annual immigration could be precluded by establishing the present figure of 150,000 annual visas as a minimum. We would then have a firm floor and a flexible moving ceiling which could be made responsive to our domestic economic health and to our responsibilities abroad.

We are, of course, cognizant of the problem of refugees and surplus populations to which President Truman drew attention in his message to Congress last March 24. In our view, these dislocated peoples represent a continuing emergency which will harass the free world for many years and possibly generations to come. It is our conviction that this problem should not be approached on the basis of piecemeal emergency legislation. It is possible within the bounds of our permanent immigration laws to give special attention to distressed areas by increasing the total number of immigrants to be admitted annually and by reserving a substantial priority within that number, for persons who are persecutees or refugees. The world situation urgently requires that the national origins system be eliminated. Once this is accomplished we are then equipped to meet emergency needs within the framework of a just, humane, and flexible immigration system.

#### B. DEPORTATION

The concept of deportation as employed in our basic immigration laws is not less in need of drastic revision. The present law stands in flat opposition to the principle that once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country unless his immigration was based on fraud or illegal entry. Deportation used as a penalty is inhumane and medieval. It frequently punishes persons entirely innocent, such as members of the immediate family of the deportee. An alien who does wrong should be punished for his wrong the same as a citizen but the punishment should not carry with it the additional penalty of "banishment."

Immigrants who come to this country are not here on consignment. Those persons who pull up their roots and rearrange their lives to come to the United States under our laws and under a system of qualifications which we draw and which we administer are entitled to believe that once here they will be allowed to remain and that they will be dealt with justly and equally. This of course does not imply that they are not to be penalized or held fully accountable for their crimes or their mistakes. It does mean that they are not to be assessed with penalties higher in degree or in character from those imposed on native Americans for like acts.

We must admit to a measure of responsibility for persons entering this country from the moment they disembark. Immigration is a profound experience. It entails the breaking up of preexisting ties and the reconstruction of a whole life. Immigrants who fail are as much our problem as native Americans who fail. The immigration system must not be made to bear a burden properly residing in our economic institutions, our communities and neighborhoods, or in our schools. It is much too easy a solution to slough off responsibility simply by sending the alien back where he came from, rather than recognize our own implication in his failure.

The United States Supreme Court has asserted that loss of the right to remain in the United States, technically not a criminal penalty, nevertheless partakes of the nature of such penalties and in most cases imposes an even more serious injury. Deportation usually entails the breaking up and separation of the family unit. Innocent dependents who remain behind are the prime sufferers when the head of the family and the sole source of income and livelihood is expelled.

Compounding of penalties for immigrants has no basis in American life. Theoretically all persons who reside within our borders are entitled to identical treatment. And, indeed, it is a radical and dangerous practice to initiate a system of caste among our residents. No one denies that those who initially obtain entry into this country illegally or by virtue of deceit or fraud should not be entitled to capitalize on their duplicitry and should be made deportable. With the sole exception of fraudulent entry, we must concede tenure to immigrants once they have been admitted permanently, otherwise liberty is a meaningless term. Elimination of the notion of deportation as a penalty would initiate a single system for the punishment of wrongdoers and would compel our courts and our adminis-

trative bodies to bring practice into line with theory and grant to all persons within our borders equal standing under our laws.

Public Law 414 completely departs from this principle. Under that law immigrant culpability for a variety of acts, many of them minor, inexorably results in deportation. Thus, the new law permits expulsion of an alien who becomes a public charge even though at the time of his entry there was no reason to believe or anticipate that he would encounter financial or employment difficulties (sec. 241 (a) (8)). Immigrants thus are made to bear the brunt of inadequacies and faults inhering not in themselves but in our domestic conditions.

Similarly, Public Law 414 permits deportation of any person who is institutionalized in a mental hospital within 5 years of entry even though his illness failed to manifest itself prior to his arrival in the United States (sec. 241 (a) (3)). Provisions which deal more harshly with persons suffering from mental conditions than with those who are physically ill have little validity or justification in what is presumably an era of enlightened medicine.

Still another section of McCarran's law provides that in addition to regular criminal penalties, and after their sentences have been completed, aliens convicted of crimes involving moral turpitude, in some cases no matter for how many years they previously have been resident of the United States, are made deportable (Sec. 241 (a) (4)). In a comparable provision, where an alien has violated one of a group of Federal laws, the Attorney General is empowered to deport the alien in the event he finds him to be "an undesirable resident," a term obviously lacking in precision and definiteness and inviting administrative abuse (sec. 241 (a) (17)).

We hold no brief for the criminal, the wrongdoer, the narcotics users, the subversive, or the alien who seeks through immoral means to obtain personal advantage. At the same time we recognize that this country is necessarily implicated in his actions. The criminal alien represents a menace, but it differs in no discernible character, quality, or degree from the menace represented by the criminal native-born. The reconstruction and rehabilitation of defective, sick individuals is a job for our entire community. It is not one which lies within the province of the immigration system. It is not one which can be avoided by the simple means of ejecting those whom we find unpleasant. The marriage of the immigrant and of the United States is presumably one premised on sincerity on the part of both and it is marriage for better or for worse. The use of deportation as a means of coercing conformity or of inflicting extrajudicial punishment is a repudiation of the principle of equality.

### C. INEQUALITY BETWEEN NATIVE-BORN AND NATURALIZED CITIZENS

Distinctions between native-born and naturalized citizens in our immigration laws must be eliminated as contrary to the spirit of the Constitution. The naturalization process should be so devised as to insure that before a person is naturalized, he is genuinely attached to the governing principles of this country. Thereafter, certificates of naturalization should not be canceled, save upon a showing of fraud.

The stamp of a free and secure society is its abjuration of all forms of limited citizenship. Our courts have declared that under our Constitution a naturalized citizen stands on an equal footing with a native-born citizen, in all respects save eligibility for the Presidency. They have explicitly rejected the notion that "the framers of the Constitution intended to create two classes of citizens, one free and independent, one haltered with a lifetime string attaching to its status." The naturalized citizen, being invested with all the rights of citizenship, has been held no more responsible for anything he may say or do, or omit to say or do, after assuming his new character, than if he were born in the United States.

This guaranty of equal rights to naturalized Americans is not a doctrine recently come by or lightly held. It is of the very fabric of our history. Chief Justice Marshall long ago definitively declared that a naturalized citizen becomes "a member of the society, possessing all the rights of a native citizen and standing, in the view of the Constitution, on the footing of a native. The Constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual" (*Osborne v. United States Bank*, 22 U. S. 738, 827). The grant of American citizen is not a partial grant and it is not a grant upon a condition subsequent.

Finally, Public Law 414 reenacts those sections of the Nationality Act of 1940 which expatriated naturalized Americans merely because of residence abroad for a period of 5 years or more while permitting native Americans to remain away indefinitely, without loss of penalty. The State Department repeatedly has testified that in its opinion these provisions bear no reasonable or perceptible relation to our national interest. The expatriation statutes symbolize the suspicion felt toward the alien, and the unjustifiable rigorous standards of conduct demanded of him. If our professions or equality are to be seriously regarded, all grants of preferential treatment of the native-born, whether direct or indirect, must be erased from the body of our law.

#### D. OPPORTUNITY FOR APPEAL AND REVIEW

The core of the American system of justice is that each person shall be accorded a fair hearing. Public Law 414 fails to accord to immigrants or aliens the necessary judicial protection which accompanies the concept of fair hearing by omitting any provision for a Board of Immigration Appeals and a Visa Review Board. Even more, it explicitly denies opportunity for further inquiry to any alien who may appear to the examining officer to be excludable under paragraphs 27, 28, and 29 of section 212 (a), relating to subversive classes (sect. 235 (c))—a discretion that is contrary to normal democratic procedures. Where the exclusion is for security reasons, and it is deemed vital to protect the Government's sources of information, it is imperative that the alien, at least, be accorded a chance, in accordance with normal standards of American justice, to plead his side of the story and bring any witnesses he may desire. Further, it is necessary that the existing nonstatutory Board of Immigration Appeals be retained and made statutory, and that the existing procedure be retained, whereby appeal may be made to the Commissioner of Immigration and Naturalization from a decision of a lower official to exclude an alien, and from the latter's decision, if adverse, to the Board of Immigration Appeals. The Board of Immigration Appeals should be written into the law and not remain at the mercy of administrative decision.

Under present law, consular officials have an absolute right to deny issuance of a visa, and there is virtually no means whereby an interested American citizen or organization may obtain a hearing to put in question the correctness of the action of the consul. While the Department of State may require a report of the consul, final discretion lies with the latter, the Department's participation being limited to an advisory opinion. To prevent prejudice, arbitrariness, or caprice in the award of visas, and in the grant of the all-important opportunity for immigration, we urge legislative provision for the establishment of a Visa Review Board empowered to review and reverse consular decisions to issue or deny visas. Such Board should provide an opportunity for an American citizen or organization interested in bringing an alien to this country to appeal on his behalf. Measures addressed to these objectives will surround the immigration process with the protection and safeguards it merits.

#### CONCLUSION

The eloquent affirmation of the Declaration of Independence that "all men are created equal" expresses the cardinal democratic belief that all persons are to be regarded as equally capable of intelligence, freedom, and social usefulness, that every individual can claim the right to be judged on his own merits. The immigration policy enacted in 1924 was a repudiation of that doctrine, for it asserted that persons in quest of the opportunity to live in this land were to be judged according to breed like cattle at a country fair and not on the basis of their character, fitness, or capacity.

This Commission has a significant opportunity to recommend the shaping of our immigration and naturalization laws so that they may better conform to American ideals and experience, which require equal treatment of all persons and the fullest guaranties of basic civil liberties. In the light of our knowledge and aspirations and indeed the needs of the Nation, the national-origins quota system and concept of penal deportation must be abolished and the internal administration of our immigration processes must be improved. Our immigration laws must be purged of every taint of racial, religious, and ethnic discrimination. Nothing less than this is worthy of a freedom-loving people.

**STATEMENT OF LESTER GUTTERMAN, REPRESENTING THE  
AMERICAN JEWISH COMMITTEE AND THE ANTI-DEFAMATION  
LEAGUE OF B'NAI B'RITH**

Mr. GUTTERMAN. My name is Lester Gutterman, my address is 507 Clavain Avenue, Mamaroneck, N. Y., and I speak for the American Jewish Committee and the Anti-Defamation League of B'nai B'rith.

I have a prepared statement which I wish to submit for the record, since it would take longer to read it than the allotted time. I would, however, like to make a prefacing remark, with your permission.

The CHAIRMAN. You may do so. I must warn you, however, that your time will be necessarily limited, in view of the number of witnesses who yet remain to be heard this afternoon.

Mr. GUTTERMAN. Mr. Chairman and members of the Commission, I speak for the Anti-Defamation League of B'nai B'rith and the American Jewish Committee, established in 1906 "to prevent the infraction of the civil and religious rights of Jews in any part of the world." Both organizations are dedicated to preserving this way of life, with their origin being a concern for persecution and discrimination against Jews. But as time has gone on the idea of preserving this way of living has been the major activity of both organizations. I find myself in the very enjoyable position of not being what is commonly termed the "dog in the manger," for the simple reason that the reservoir of potential Jewish immigration from abroad has been substantially diminished in the last 10 or 15 years, and everything we say is predicated on the kind of immigration policy this Nation should have with regard to all immigrants.

I might comment about several false notions concerning immigration. The first is that by having quotas that we limit immigration, we limit the number of additions from our population. Nothing is further from the truth, because with an unlimited or free quota from the Western Hemisphere, that nation could very easily be flooded with a number of people who do not have such a restriction.

Then there are the usual misconceptions concerning housing and jobs. The success of this country and its progress has been consistent with its ratio of immigration, and at the time of its greatest achievement and greatest success it had correspondingly its greatest number of immigrants.

There are a certain number of false misconceptions concerning crimes; and one statistic might demonstrate the fallaciousness of that false impression better than any other. I think our criminal inmates of foreign-born comprise four and a fraction percentage, whereas immigrants in this country comprise over 6 percent of our population.

The birth rate being what it is and the death rate having decreased, in 1 year the increase from births in this Nation far surpass or at least equals the number of immigrants taken in the country in excess of it.

We come to the conclusion that our quota laws are not limitations upon immigrants but rather limitations on non-western-hemispheric immigration. We have given this a great deal of thought insofar as our foreign policy is concerned. It is part and parcel of both civil rights and foreign policy, for the simple reason when we have legislation that is exclusive in character it affects the feeling of nations we want to be our allies, and anything excluding this tends to affect these

people in a manner whereby they will not become our allies at this time of our greatest need.

As far as the numerical differences in those allowed entry in this country, it is fixed on a fallacious base. If there are a certain number of immigrants allowable a year, we have only received about 65,000 of them a year. This does not include those who have left these shores and have returned for one reason or another.

But this complex situation reduced to its simple equation, where you will allow 60,000 Englishmen and a very few thousand Italians, would give the impression to the rest of the world that for every 1 Italian permitted to come into this country we would prefer to have 12 more Englishmen. I say that within itself is an offense to the nations of this world.

Under the Displaced Persons Act, we find that under the mortgaging of quotas there are Estonia, Latvia, Lithuania, which for the next century on the very small quota that they have, that very small one, for the next 50 to 100 years is cut right in half, of those that are allowable.

There are other things that are discriminatory. One has to do with Negroes, and one has to do with Asiatics.

One of the favorable things had to do with the granting of minimum quotas permitting a hundred per year from the various Asiatic nations. At the same time there is almost a direct slap in the face of these Asiatic nations, when it is remembered that the McCarran-Walter Act provides that any person, regardless of where he is born, "who is attributable by so much as one-half of his ancestry" to races indigenous to the Asiatic-Pacific triangle, shall be chargeable to the small quota for that area.

As far as colored persons are concerned, it is definitely discriminatory, because prior to the passage of the McCarran-Walter Act, British West Indies and Jamaica were charged to the British quota which is in excess of 60,000, whereas right now they are limited to 100. These policies in our estimation make it impossible to combat Soviet charges that we consider nonwhites, who comprise two-thirds of the world's population, as inferior and second-rate stuff.

We have certain recommendations to make, in appraising proposals to revise immigration laws. It is necessary to consider what changes best serves the interests of the United States, and we find that there are three main features to our immigration laws. The first concerns persons who may be harmful to this country, such as criminals, subversives, et cetera. The second, that of immigrants permitted to enter in any year. The third is a system of racial and national exclusions and preferences by which quotas are assigned to some lands and denied to others. I am not going to elaborate on that because I imagine this Commission has learned an awful lot.

We believe that the national-origins quota system is racist and undemocratic. Implicit in it is an evaluation along racial lines of the comparative worth of individuals. For example, it says that a person of Anglo-Saxon derivation is worth at least 13 times as much to the United States as a person of Italian derivation. It seeks to maintain the racial composition of our country in terms of a—first—a fixed norm, even though our country has grown great as the open-arm recipient of millions of persons from outside our borders. It assumes that

the racial composition of a nation's population should be made rigid and that it does harm to a nation to permit its population to undergo the normal changes which time and the flow of people bring about. This contradicts the basic principle of American democracy, that an individual is to be judged solely on his own accomplishments and not on the basis of the racial group to which he belongs.

For these reasons we are convinced that the national-origins quota system must be done away with. It may be difficult, even if possible, to find a perfect substitute for this system. But one substitute that we consider is one of the policy of "first come, first served." This has many difficulties. A major danger may be that it becomes the foreign policy of a particular country to encourage the immigration of a proportionate population so that with this encouragement its particular citizens will enjoy an advantage over other countries where the same policy does not exist.

Another plan is to follow the first-come, first-served policy except that visas would be issued only in response to applications received from American citizens for the admission of their relatives or friends. It is apparent that is not right, because the American citizens abroad would have a terrific advantage.

Still another system would be to set a maximum figure to be admitted each year and to divide that number up in proportion to the existing unsatisfied registered demand for visas by qualified immigrants as evidenced through applications filed with the American consuls in each country.

Each of the foregoing plans has serious difficulties. Some are open to the danger that a few highly populous countries will preempt most of the visas available. Each would result in a terrific administrative burden resulting from a race by would-be immigrants to be first in applying at the consulates in their countries.

It was a recognition of the racism and unfairness implicit in the national-origins quota system that led organizations such as ours to support the proposal contained in the Humphrey-Lehman immigration bill, to pool unused quotas. We felt that the pooling of unused quotas would make additional visas available to would-be immigrants badly in need of assistance. We were concerned at the unconscionable waste of visas resulting from failure to use fully the large English and Irish quotas. At the same time we supported pooling of unused quotas because that necessarily involved some breaking down of the structure of the national-origins quota system.

Another item of our consideration is the Visas Review Board. It is our contention that our consuls throughout the world have unlimited power, without anything to interfere, not even the right of review or right of appeal. We take exception to any one man having such power.

Another item is deportation. We have considered deportation the equivalent of banishment, which in medieval times was the worst sort of punishment meted out—and I am not unmindful of your questions of Rabbi Kramer concerning banishment. I should like to quote some words of Justice Douglas in a recent case when he said:

Banishment is punishment in the practical sense. It may deprive a man and his family of all that makes life worth while. Those who have their roots here have an important stake in this country. Their plans for themselves and their



hopes for their children all depend on their right to stay. If they are uprooted and sent to lands no longer known to them, no longer hospitable, they become displaced, homeless people condemned to bitterness and despair.

We urge that deportation be used with circumspection.

We have several recommendations to make, three of them. I would like to give them briefly.

The CHAIRMAN. Is that all set forth in your prepared statement?

Mr. GUTTERMAN. Yes sir.

The CHAIRMAN. I am afraid that we will not be able to hear further from you since your allotted time is more than used up. However, your whole prepared statement will be inserted in the record. I am grateful to you for taking the trouble to appear here and prepare that statement.

Mr. GUTTERMAN. Thank you.

(The prepared statement of Mr. Lester Gutterman on behalf of the American Jewish Committee and the Anti-Defamation League of B'nai B'rith follows:)

STATEMENT ON AMERICAN IMMIGRATION POLICY BY LESTER GUTTERMAN FOR THE AMERICAN JEWISH COMMITTEE AND THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

PURPOSE OF APPEARANCE

Mr. Chairman and members of the Commission, the American Jewish Committee and the Anti-Defamation League of B'nai B'rith welcome this opportunity to present their views on American immigration policy.

The American Jewish Committee, established in 1906 "to prevent the infraction of the civil and religious rights of Jews in any part of the world," has been closely concerned with the questions of immigration for the 46 years of its existence. In addition to its concern for the persecuted Jews of other countries who yearned to come to the United States because of its tradition of freedom and succor for the oppressed, the American Jewish Committee has always held it a matter of prime importance that the immigration legislation of the United States be in keeping with the heritage of freedom, equality, and opportunity which has made this country great.

B'nai B'rith, founded in 1843, is the oldest civic organization of American Jews. It represents a membership of 300,000 men and women and their families. The Anti-Defamation League was organized in 1913, as a section of the parent organization, in order to cope with racial and religious prejudice in the United States. The program developed by the league is designed to achieve the following objectives: To eliminate and counteract defamation and discrimination against the various racial, religious, and ethnic groups which comprise our American people; to counteract un-American and antidemocratic activity; to advance good will and mutual understanding among American groups; and to encourage and translate into greater effectiveness the ideals of American democracy. As an organization of immigrants and descendants of immigrants it has always been concerned with preserving and strengthening the policies of freedom on which our country is based. It has fought to preserve our democratic country as a haven of refuge and a beacon of hope for the oppressed and persecuted of the world. Hence it has always sought a democratic and humane immigration policy and fair treatment of new Americans.

Our concern with immigration is not prompted by any narrow Jewish need, but by consideration of the general well-being of our country. Unlike the situation that prevailed during the past quarter century, when the economic—and later, the very physical—survival of most Jews of Europe depended on holding ajar the doors of America, in the last 2 years the European reservoirs of potential Jewish emigration have been substantially diminished. We are and always have been aware that our immigration policies and practices are of vital importance in preserving the health of our democratic American society, and play a major role of our country's leadership in the maintenance of a stable world order. Our objectives should be maintaining of America's tradition of welcome to newcomers; adherence to the principle of nondiscrimination on grounds of race, creed, or national origin; the protection of the rights of all of our citizens, whether native-born or naturalized, as well as of our resident aliens; and the preservation of our standards of fair judicial process.

## FALSE NOTIONS ABOUT IMMIGRATION

Even though restrictive immigration laws work against the best interests of the United States, they have been tolerated because of certain misconceptions that were once widely held by Americans but are now thoroughly discredited. One such misconception is the idea that our quota laws put a fixed limit on the total number of immigrants who may come into this country, and thus make it impossible for the United States to be flooded by new immigrants. This is not the case. In allowing natives of the Western Hemisphere to enter quota-free, our present laws theoretically make it possible for many millions of immigrants lawfully to enter the United States during any year. It is important to note that notwithstanding conditions of poverty, hardship, and tyranny under which millions of these potential immigrants are living today, only a handful accept our open invitation to migrate. The fact is that most people in other countries of the Western Hemisphere do not want to leave their homes. Most people in foreign lands grow up and die in the locality where they were born. An immigrant is a person whose passion for freedom or self-improvement is so strong that it overbalances the inertia that keeps most people rooted to the place where they were born.

Another mistaken impression is that immigrants, by increasing the population, take up housing, jobs, and business opportunities which would otherwise be available to those already in this country. Actually, the opposite is true, since an increasing population expands the national economy and increases the number of jobs and houses available.

Under the present quota formula, the population increase due to immigration is almost imperceptible anyway and the constructive influence it could have has therefore been negligible. As has been pointed out repeatedly, the actual number of quota immigrants arriving in our country each year is far less than the maximum of 154,000 available under existing immigration laws. From 1930 to 1947, inclusive, the number of immigrants coming to the United States has averaged only 60,868 per year, and if the figures for net immigration are used (subtracting returning immigrants and other persons emigrating from the United States) only 33,520 per year. This latter figure represents about one-fortieth of 1 percent of our population.

Far greater increases in population result from the fluctuations in the birth rate. For instance, the lowest number of births since 1924 was in 1933, when 2,290,000 children were born in the United States. The high year was 1947, when 3,908,000 were born. The difference, 1,618,000, was more than the total number of immigrants entering our country in the last 18 years. These figures show the insignificance, in terms of population growth, of immigration.

Our quota laws must therefore be viewed for what they are, not as limits upon the total number of immigrants, but rather as efforts to limit non-Western Hemisphere immigration. As a matter of fact, our quota law was first enacted during a wave of reaction against everything European. It came at a time when the Ku Klux Klan was at the peak of its power and it represented the high-water mark of narrow isolationism in our country. American public opinion and both of our major political parties have repudiated the irrational antiforeignism of the 1920's. It is time that we cast aside the fruit of that narrow nationalism, our quota system.

We are happy to note that both major political parties agree that this outworn anti-immigration philosophy should no longer be reflected in our laws. The Democratic Party platform adopted July 24, 1952, says that "the solution to the problem of refugees from communism and overpopulation has become a permanent part of the foreign policy of the Democratic Party." It promises "continued aid to refugees from communism and the enactment of President Truman's proposals for legislation in this field" and pledges "continuing revision of our immigration and naturalization laws, to do away with any injustice and unfair practices against national groups which have contributed some of our best refuge with us \* \* \*."

The Republican Party speaking through General Eisenhower said before the American Legion on August 25, 1952: "We must tell the Kremlin that never shall we desist in our aid to every man and woman of those shackled lands who seeks refugee with us \* \* \*."

## THE ECONOMICS OF IMMIGRATION

We turn now to the question of the impact of immigration upon the national standard of living. Immigration has enriched our Nation economically and could

continue to enrich it. With the expansion of our technology and the fuller development of our national resources, the need is for an ever-growing labor force. The basic determinants of the Nation's capacity to produce are its labor supply and consumer demand. Whether in peace or in war, our most precious resource is manpower.

Immigrants have always played a major role in this process of industrial diversification. A region populated by people with identical background may easily become a one-crop or one-industry or even a one-party region.

Immigrants have pioneered the organization of many of our industries. John August Udden, a Swedish geologist, was chiefly responsible for the opening of the Texas oil fields. Albert Arent, a German metallurgist, did pioneering work in exploring the mining possibilities of the Rocky Mountains. Herman Frasch, a German, developed the oil-refining process and the extraction of sulfur. Lucas Petrou Kyrides, a Greek, made other important contributions to industrial chemistry.

We must not forget that the newcomers to our country are not only workers, but consumers too. Every pair of hands that comes to our shores is accompanied by a mouth to feed and a body to clothe. Immigrants furnish effective demand for goods and services as well as a supply of them. As immigrants raise their economic status, they develop a higher rate of consumption. As high-level consumers, they create an additional impetus to economic progress.

#### THE POSITION OF THE UNITED STATES IN THE WORLD'S POPULATION

Without a sizable immigration, the United States will chance losing its demographic position in the world. While the population of this country, according to the most expert forecasts, appears headed for a short-term slow growth and then for ultimate decline, the population of Asia and the Soviet Union are increasing at a rapid rate, with no sign of a slackening in sight.

The rapid increase of population experienced in the United States since the outbreak of World War II is believed to be merely a transitory phenomenon resulting from the unusually high birth rates brought about by war conditions; evidence of a sharp fall in the birth rate is already beginning to appear. The most reliable population forecasts indicate that the low rates of human reproduction which lead to an ultimately declining population may be with us within the next two decades.

It is important to note that, without immigration, the population of the United States will increase by about 10 percent from 1950 to 1970 and that the populations of England and Wales and of France will fall; the net population increase of these 3 countries will be less than 9,000,000. At the same time, the population of Soviet Russia will increase by almost 50,000,000, a rise of almost 25 percent in the two decades. Great increases are also likely for China and India. The political, military, cultural, and economic implications of such population shifts must be taken into account in any reformulation of United States immigration policy.

It may be possible to find Malthusians who advocate all steps necessary, including governmental action, to reduce the population of the United States. But whatever be the extremes to which the advocates of governmental control of population may go, one fact is clear: With a stationary or declining population, our economic system will face many hazards. Gunnar Myrdal, an eminent Swedish economist, enumerates the following consequences of such a situation: Increased risk of investment, a decline of investment in production, a decline in demand for capital goods, a decline of agriculture, and free enterprise giving way to social planning. Furthermore, a declining population burdened with a huge public debt, such as this country now has, faces prospects of a rising tax rate with its inevitable drag on full production and consumption. In brief, declining population will have a twofold result. First, it will give the United States a relatively weaker voice in the councils of the world from year to year. Secondly, declining economic opportunities will entail larger and larger Government invasions of fields still left to private enterprise. Thus, while the United States comes, year by year, to have less to say about international affairs, the individual American citizen will, so long as these population tendencies prevail, come to have less and less to say about his own economic and domestic affairs.

#### CONSIDERATIONS OF FOREIGN POLICY

There is widespread conviction among statesmen of both political parties that the most effective way to fight the world Communist menace is to win over the

support of the peoples suffering under Soviet tyranny, and that this goal can be achieved only if these peoples are assured of the generous and sympathetic concern of the American people for their well-being.

It is submitted that this objective is impossible of fulfillment under the present immigration law of this country. This goal could not be implemented under the law that obtained during the quarter century since the passage of the Immigration Act of 1924, and much less so under the McCarran-Walter Omnibus Immigration Act, adopted on June 27, 1952, over the President's veto. By enacting this law, Congress not only rejected the opportunity to improve our immigration policy but instead adopted a measure confirming the inequitable national-origins quota system and, in addition, introducing a series of new and even more restrictive practices.

Our present law provides for the admission of a maximum of approximately 154,000 quota immigrants annually. Of these, over 65,000 are assigned to the United Kingdom, 26,000 to Germany, nearly 18,000 to Ireland, and the remaining share of less than 50,000 is divided among all the other countries of the world. Compared to the large British, German, and Irish quotas, the quotas of the very countries in Eastern Europe, which we hope some day to see liberated from the stranglehold of the Soviet yoke, are insignificant: Czechoslovakia 2,858; Estonia 115; Hungary 865; Latvia 235; Lithuania 383; Poland 6,488; Rumania 293.

Meager as these quotas are, the actual number of those whom we will admit from these countries is even less because in passing the McCarran-Walter Act, Congress declined to agree to the urgent suggestion made by many groups to eliminate from the law the charges against future quotas resulting from admissions under the Displaced Persons Act in 1948. As a result, one-half of the quotas of these eastern European countries will be unavailable well into the next century: Latvia until the year 2,274; Estonia till 2,146; Greece until 2,013; Hungary, 1,985; Lithuania, 2,087; Poland, 1,999; and Rumania, 2,003.

Furthermore, the current law retains the provision which prohibits transfer to other countries of the unutilized portions of the larger quotas. For example, in the period 1930-48, only about one-quarter of the total available quota numbers was used, mainly because a large part of the British and Irish quotas were left unused.

Under these circumstances, how can we expect potential dissidents to risk their lives in the effort to escape their oppressive rulers? What incentive do we offer them other than languishing as unwelcome refugees and displaced persons in the insecurity of Germany or other European countries?

But our problem is not alone to win the sympathy of the peoples of the iron curtain countries. It is also to retain the good will and support of the inhabitants of the free nations of the world. We must join with other nations to help alleviate the difficult social and economic situation in such countries as Greece and Italy where the pressure of population against resources has created a situation of great seriousness, calling for substantial emigration from those countries to the more fortunate countries in the Western Hemisphere and Australia. Yet, how can we under the restrictions of our immigration law make a contribution to the solution of these problems, when we assign to Italy the tiny annual quota of 5,770 and to Greece the infinitesimal quota of 305?

One of the arguments used in defense of the McCarran-Walter Act is that for the first time it establishes minimum annual quotas of 100 for the various Asian countries whose natives had hitherto been flatly excluded from immigration to the United States. True, this was a desirable step, but it was accompanied by a provision which discriminates by conferring an inferior status on any person "attributable by as much as one-half of his ancestry" to races indigenous to the Asia-Pacific zones. Such persons, no matter where they are born, are made chargeable to the quota of their Asian "ancestry."

To keep Asia from falling prey to the lure of communism, we must retain the goodwill of the colored peoples of the world. What reaction can we expect from these peoples to a law which attaches an unfair stigma to Asiatic ancestry and which also reduces drastically the entry of colored immigrants from Jamaica and other British colonies in the West Indies? Under previous law, these could use the always undersubscribed British quota of 65,000. Now under the McCarran-Walter Act they are limited to a maximum of 100 visas annually.

Such policies make it impossible effectively to combat the Soviet charges that we consider non-whites, who comprise two-thirds of the world's population as of inferior and second-rate stock.

## RECOMMENDATIONS

In appraising proposals to revise our present immigration laws it is necessary to consider, not only what changes would best serve the interests of the United States as a whole, but also how far those changes would conform to the attitudes of that part of the American public which is seriously concerned about immigration problems.

There are three basic features of our immigration laws, and public attitudes toward these three features have varied so much that it may be misleading to speak generally of liberal or illiberal attitudes on each of these three points.

The three main features of our present immigration laws are: (a) the principle that persons who may be harmful to our country, such as criminals, subversives, diseased, are absolutely excluded; (b) the principle of limitation of the number of immigrants permitted to enter the United States in any year; and (c) the system of racial and national exclusions and preferences by which quotas are assigned to some lands and denied to others.

As for the first of these principles, the right we have to exclude undesirables, we think that it has the solid support of American public opinion, and that while particular grounds for exclusion may need to be modified in detail from time to time, in the light of changing circumstances, no legislation that ignores or weakens this principle is likely to receive serious congressional consideration. Americans quite properly insist that immigrants be good human material.

The second of these principles, the idea of a numerical limitation upon the total volume of immigration in the United States, was an outgrowth of the isolationist and know-nothing thinking of the early 1920's. We wanted to wash our hands of Europe and Europeans. We rejected the Treaty of Versailles, the League of Nations, and the World Court; we built tariff walls against European goods; and we told Europeans that we did not want more than a handful of them to come to America in any year.

During the past quarter of a century, that attitude has been profoundly modified. Not only have opinions changed on the whole problem of "isolationism," but more specifically that part of the American public that has given serious thought to immigration problems has begun to doubt the value of any blanket numerical limitation upon European immigration. The time is close at hand when reconsideration of the principle of total limitations will be in order.

The third principle of our immigration laws, the principle of racial and national exclusions and preferences, has been repudiated by every decent American. The principle of racial preference came to be recognized after 1933, as Hitlerism. It is diametrically opposed to our Declaration of Independence which proclaims that all men are created equal. Even the McCarran-Walter Act which has been sharply criticized by many groups throughout the country for its restrictive and backward-looking features, gives grudging acceptance to the public wish to rid our immigration policies of racism. Indeed, it was to a large extent on the basis of the provision eliminating the bar against the immigration and naturalization of Asiatics that Senator McCarran made his spurious appeal for support of the bill.

Even the economists, conservationists, and birth-controllers who are worried about increases in our population, through immigration or otherwise, do not undertake to justify our crazy-quilt of racial and national exclusions and preferences. Ethnologists now recognize that the basis of our present quotas in a "biological, anthropological and ethnological \* \* \* investigation into the birth of ancestors of those resident in the United States in 1920" is a scientific absurdity. Particularly absurd was the reliance upon English-sounding names to prove the English ancestry of most of our population.

We believe that the national origins quota system is racist and undemocratic. Implicit in it is an evaluation along racial lines of the comparative worth of individuals. For example, it says that a person of Anglo-Saxon derivation is worth at least 13 times as much to the United States as a person of Italian derivation. It seeks to maintain the racial composition of our country in terms of a fixed norm, even though our country has grown great as the open-arm recipient of millions of persons from outside our borders. It assumes that the racial composition of a nation's population should be made rigid and that it does harm to a nation to permit its population to undergo the normal changes which time and the flow of people bring about. This contradicts the basic principle of American democracy, that an individual is to be judged solely on his own accomplishments and not on the basis of the racial group to which he belongs.

For these reasons, we are convinced that the national origins quota system must be done away with. The next question is, What system shall be used in its stead? It is possible to suggest many alternatives. Undoubtedly you probably hear many advanced in the course of your hearings and deliberations. Each will have advantages as well as disadvantages. It may be difficult, even impossible, to find a perfect substitute for the national origins quota system—one acceptable to all groups and having no serious problems of administration. We believe the goal is to find the substitute which is most consistent with our democratic principles, most helpful to our domestic economy and which contributes most to our national, domestic and foreign policy.

One obvious substitute is the first-come, first-served program. This has many difficulties. A major danger is that much or all of the number of visas set aside to be made available to immigrants may be taken over by citizens of one country. This would be especially likely to be true if one country abroad, as an aspect of its foreign policy, undertook to "encourage" its citizens to emigrate to our shores. Under this plan all quotas would be completely eliminated. The number of immigrants to be admitted would be determined each year. Then visas would be issued in the order of filing for application of visas in Washington.

Another plan is to follow the first-come, first-served policy except that visas would be issued only in response to applications received from American citizens for the admission of their relatives or friends. This plan, too, would be open, though less so, to the evil just mentioned. In addition, it would be unfair in that it would arbitrarily bar immigrants who can find no sponsors here, and would thereby foreclose the kind of new seed immigration which many demographers feel is a necessity for our country. Furthermore, it would result in the exclusion of many of those refugees fleeing from persecution abroad who have most thoroughly demonstrated their attachment to democracy and who, by most standards of justice, are entitled to admission to our country.

Still another system would be to set a maximum figure to be admitted each year and to divide that number up in proportion to the existing unsatisfied registered demand for visas by qualified immigrants as evidenced through applications filed with the American consuls in each country.

Each of the foregoing plans has serious difficulties. Some are open to the danger that a few highly populous countries will preempt most of the visas available. Each would result in a terrific administrative burden resulting from a race by would-be immigrants to be first in applying at the consulates in their countries.

It was a recognition of the racism and unfairness implicit in the national origins quota system that led organizations such as ours to support the proposal contained in the Humphrey-Lehman immigration bill, to pool unused quotas. We felt that the pooling of unused quotas would make additional visas available to would-be immigrants badly in need of assistance. We were concerned at the unconscionable waste of visas resulting from failure to use fully the large English and Irish quotas. At the same time we supported pooling of unused quotas because that necessarily involved some breaking down of the structure of the national origins quota system.

Now at last we are in a position where we can discuss the basic policy problem. We have considered the alternatives to the national origins quota system mentioned above and are concerned with their shortcomings. We have reached no definite conclusion but as of now we are tending to think along the following lines: Its main feature is that it would have flexibility as to the over-all number of quota immigrants to be admitted each year. A system which achieves such flexibility would permit expeditious handling of emergency arising out of the mass flight of refugees from behind the iron curtain, mentioned by President Truman recently.

Our plan would provide for the establishment by law of a National Immigration Policy Commission, whose members would be partly selected from the House of Representatives and United States Senate, and partly appointed by the President. This Commission would be charged with making a continuous study of demographic trends in our country, and of the amount of immigration which our country needs and can absorb. This Commission then would set the maximum number of immigrants to be admitted to our shores in each calendar year. In so doing the Commission would be required by law not to set a maximum number lower than 300,000—two-tenths of 1 percent of our total population—nor to set it higher than a number fixed by law as the highest number of immigrants this country can absorb each year under the most advantageous circumstances. The number set by the Commission for each year within these limits would be in addition to those who come from the Western Hemisphere, who are not subject

to any numerical limitation under existing law. This exception which was based on the good-neighbor policy, is still highly desirable and should be maintained.

The law would set forth the factors which the Commission would have to take into consideration in setting the annual ceilings on quota immigrants. I would like to mention tentatively some of these factors without making the listing too exhaustive:

1. The demand for immigration visas in each country by qualified bona fide applicants for immigration registered at our consulates in that country.

2. The extent of our economic and military commitments in the various countries.

3. The impact of a particular quota on the implementation of our foreign policy.

We believe that a plan based on these ideas would be vastly superior to the present national origins system. It would have the great advantage of flexibility thus enabling us to adapt our immigration policy to the fast-changing conditions of the world, and it would make the true interests of the United States the determining factor in our immigration policy, rather than the doctrine of racial superiority, which is the basis of the present system.

#### VISA REVIEW BOARD

Let me now deal with another feature of our immigration law which we believe needs revision. I am referring to the fact that the present law leaves the decision as to whether a person is qualified for immigration to the absolute discretion of the United States consuls abroad without any possibility of appeal. The issuance of an immigration visa may, in many cases, be a matter of life and death for the applicant. Refusal of a visa may condemn the applicant, at best, to a life of perpetual homelessness and, at worst, to capital punishment or life imprisonment behind the iron curtain. Therefore, consuls, for whom, in many cases, dealing with immigration needs is just an incidental job, should not have an absolute and unreviewable power to grant or deny immigration visas.

Even though no alien has a legal right to enter this country, nonetheless, the law in force provides for an orderly procedure to determine the admissibility of an alien entering our country. It provides that he may appeal from the decision of the Immigration Service officer denying him admission and have his case reviewed. Under existing regulations, a Board of Immigration Appeals has been set up to deal with such appeals. There is no reason why an opportunity to appeal should not be also given in cases where the decision to refuse admission is made by the American consul abroad. It is contrary to the basic principles of democracy to allow any subordinate official of the United States to have unlimited power over other persons, subject to no review. Certainly every American is interested in preventing American officials from engaging in arbitrary and unjustifiable action against visa applicants. Furthermore, every American has a major stake in the proper operation of our immigration laws and carrying out of our immigration policies. Our interest as Americans requires that we strongly support the establishment of a visa review board to which persons denied visas by an American consul, or at least American citizens interested in their immigration, may appeal. The existence of such a visa appeal board would not only be a safeguard against arbitrary decisions by a consul, but it would also insure uniformity in the application of the immigration laws by American consuls all over the world.

#### DEPORTATION

I turn now to deportation. Over recent decades there have been many deportations of alien residents whose stay in the United States was believed to be against the public interest. We believe that the impact of deportation upon a resident alien and his family has received far too little consideration. It can hardly be denied that among the evils that may befall a person, deportation is one of the most disastrous. It is not accidental that in medieval times the punishment of banishment was regarded as one of the most severe punishments, second only to the sentence of death. In describing the effect of deportation on the person affected, one could hardly find more appropriate words than those used by Mr. Justice Douglas in a recent case when he said:

"Banishment is punishment in the practical sense. It may deprive a man and his family of all that makes life worth while. Those who have their roots here have an important stake in this country. Their plans for themselves and their hopes for their children all depend on their right to stay. If they are uprooted and sent to lands no longer known to them, no longer hospitable, they become displaced, homeless people condemned to bitterness and despair."

Certainly, deportation is a much harder punishment—to use the word in the nontechnical sense—than, let us say, a fine of \$50 or imprisonment for a few days. But while the procedure to inflict even the slightest fine or the shortest term of imprisonment is surrounded by an elaborate system of safeguards to insure justice and fair treatment of the accused, no similar protection is granted to the person threatened with an order of deportation. Furthermore, deportation not only affects the person directly involved, but creates in most cases, most trying conditions of hardship for his wife and children and other dependents.

We urge that deportation be recognized as a drastic punishment which may be tantamount to imprisonment or death and which, therefore, should be used with circumspection and with due regard to the interest of all individuals involved. In other words, we urge that the law governing deportation be humanized.

We, therefore, recommend, first, that in any future law only those situations should be declared grounds for deportation where the interest of the United States clearly requires deportation. A number of grounds for deportation contained in the present law do not stand this test. This is particularly true of some of the grounds for deportation newly introduced into our law by the McCarran-Walter Act, enacted earlier this year. For instance, a person can now be deported who, within 5 years after entering this country, becomes institutionalized because of mental disease, unless the alien can show that such mental disease did not exist prior to his immigration. There is no need to elaborate on the inhuman character of this provision.

Secondly, we believe that the penal nature of deportation requires that deportation proceedings be surrounded by all the constitutional and statutory safeguards available to those involved in criminal proceedings in the traditional sense. Thus, for instance, the United States Constitution prohibits *ex post facto* legislation. This prohibition under present interpretation of the law does not apply to deportation, since persons can be deported for acts which were not grounds for deportation when they arrived in the United States.

Another example: Persons accused of a crime, even the most trivial one, cannot be forced to be witnesses against themselves under the United States Constitution and the constitutions of the States. The same prohibition does not apply to deportation proceedings. Still another example: In contrast to the various Federal and State penal laws the present law dealing with deportation does not provide for statutes of limitation with respect to a number of grounds of deportation. Therefore, a technical defect in the immigration procedure of an alien makes him deportable for the rest of his life, regardless of how many years he was a peaceful, law-abiding citizen of this country.

Thirdly, in view of the penal nature of deportation, the Attorney General should be given the broadest possible authority to suspend deportation in meritorious cases. We are very unhappy indeed, that the discretion in this respect given to the Attorney General under previous immigration acts has been drastically cut by the McCarran-Walter Act. We believe that the law in force prior to the enactment of the McCarran-Walter Act should be restored.

Let me point out finally that it is not only the procedure leading to an order of deportation which requires overhauling. The same is true of the provisions governing the actual carrying out of an order of deportation after it has been issued. The present law requires the deportee to depart from the United States within a given period or to make timely application for travel documents to the country to which he is going to be deported. Nonfulfillment of this requirement is a crime. Thus, the present law placed the person against whom an order of deportation has been issued in a cruel dilemma; either he must cooperate in effecting his deportation or he risks imprisonment. This situation reminds me of the treatment of deportees by the Nazis; they were required to aid in their deportation so as to create the impression that they were voluntary exiles. If a person has been declared deportable, it should be up to the government and the government alone, to carry out the deportation and there should be no compulsion on the deportee to assist in the deportation.

#### NATURALIZATION AND NATIONALITY

As far back as 1824 Chief Justice Marshall, the great legal scholar who laid the foundation for the role of the United States Supreme Court said in the case of *Osborn v. Bank*:

“The naturalized citizen becomes a member of society, possessing all the rights of a native citizen, and standing in the view of the Constitution, on the footing of a native. The Constitution does not authorize the courts to enlarge or abridge these rights.”



Following the policy enunciated by Chief Justice Marshall, Justices Rutledge and Murphy dissenting in the case of *Knauer v. United States*, pointed out that under the Constitution there are not two classes of citizens and that the only difference between naturalized and other citizens is that the former are ineligible for the Presidency. They said, "unless it is the law that there are two classes of citizens, one superior, the other inferior, the status of no citizen can be annulled for causes or by procedures not applicable to all others." They stated that the power to naturalize is not the power to denaturalize, saying:

"The act of admission must be taken as final for any cause which may have existed at that time. Otherwise, there cannot but be two classes of citizens, one free and secure except for acts amounting to forfeiture within our tradition; the other, conditional, timorous and insecure becomes blanketed with the threat that some act or contact, not amounting to forfeiture for others will be taken retroactively to show that some prescribed condition has not been fulfilled and be so adjudged."

Under our laws governing citizenship there are two ways in which one may become an American citizen. The first is by virtue of birth and the second by obtaining naturalization. But because under our present laws naturalized citizens are subjected to many disabilities from which our citizens by birth are free, we do in fact have two classes of citizenship. The very existence of classes or levels of citizenship is a detriment to democracy.

Examples of the differences between citizens by birth and naturalized citizens are many. If a naturalized citizen is absent from the country for more than 5 years he automatically loses his citizenship. If there is some technical defect in his naturalization originating from misunderstanding or negligence, a naturalized citizen may be denaturalized. Recent statutes sponsored by Senator McCarran add to such long-standing discriminations a number of new ones. They provide that citizenship may be lost by a naturalized citizen if he becomes a member of a subversive organization within 5 years after naturalization.

"To lay upon the citizen the punishment of exile for committing murder, or even treason, is a penalty thus far unknown to our law and at most but doubtfully within Congress' power. United States Constitution, Amend. VIII. Yet by the device or label of a civil suit, carried forward with none of the safeguards of criminal procedure provided by the Bill of Rights, this most comprehensive and basic right of all, so it has been held, can be taken away and in its wake may follow the most cruel penalty of banishment."

We, therefore, recommend to this Commission that it consider the desirability of eliminating existing discriminations against naturalized citizens by making American citizenship, once it is acquired, irrevocable. The only exception to this general rule would be the revocation of citizenship acquired through the deliberate fraud of the naturalized citizen. This exception is justifiable because a person should not be allowed to retain benefits he has gotten through his fraud.

Thus, we will attain that essential aspect of democracy, equality before the law of all citizens. Thus we shall answer once and for all the claims of totalitarians that we in our country relegate naturalized citizens to the status of second-class citizens. If our proposal in this respect proved acceptable the result will be that naturalized citizens can participate in all actions of the body politic and can engage in political activity in this country on the same basis of citizens by birth. This will serve to strengthen the dedication of new citizens of our country to the democratic way of life.

We realize that we have made proposals to this Commission which call for a radical reorientation of existing law. We realize that our proposals involve many complex problems of policy and may well give rise to many difficulties in application. But we are also aware that this Commission is just beginning its hearings and investigations. It is our hope that the suggestions we have made will give rise to further thought and discussion and may perhaps result in a kind of intellectual give-and-take which is a prerequisite to the development and growth of the democratic way of life.

We ourselves plan to give further thought to the suggestions we have made and hope later in this Commission's deliberations to have an opportunity to submit them more fully worked out, with a full discussion of the new problems raised by our suggestions and how these problems can be solved. It is our hope that this Commission's hearings will serve to lead off a Nation-wide discussion of how our immigration and naturalization laws and policies measure up against our democratic principles and how these laws and policies can be made to conform more closely to our democratic ideals. Out of this discussion we hope will

come a democratic, humane, intelligent and farsighted immigration and naturalization policy which will aid in building democracy, not only in our country, but throughout the world, to play its proper part in the elimination of want and fear everywhere.

The CHAIRMAN. Is Dr. Empie here?

**STATEMENT OF PAUL C. EMPIE, EXECUTIVE DIRECTOR,  
NATIONAL LUTHERAN COUNCIL**

Dr. EMPIE. I am Dr. Paul C. Empie, executive director, National Lutheran Council, 50 Madison Avenue, New York City. I am here as a representative of that organization.

I have a statement which I should like to read to the Commission.

Mr. Chairman and members of the Commission, typical I guess of our organization, I am restricting myself to general principles rather than to details, and I say here at the beginning that I am speaking not officially for the 4 million people in our 8 Lutheran Church bodies, for they themselves have not acted officially; but out of the experience of our organization in helping to resettle about 36,000 refugees and displaced persons in this country, and about 100,000 other displaced persons and refugees through the Lutheran World Federation in other parts of the world.

I would like to relate my remarks to three personal convictions on this subject: First, there should be additional emergency legislation to provide for the entrance of a specified number of refugees into the United States.

2. Such legislation should provide for a Government operation to bring refugees who can qualify from countries of exit to their point of resettlement in the United States.

3. Such a Government operation should afford opportunities for supplementary services to be rendered by voluntary agencies which are able and willing to function in this field.

On the first point I believe that there should be additional emergency legislation in behalf of refugees, because unfortunately the immigration law recently passed by the Congress of the United States does not seem to be adequately related to the realities of this point of history. Many of us had hoped that such would not be the case. We realize that the present "cold war" and period of international ideological tension will probably last for many years to come. Therefore it would be ideal for our Government to incorporate provisions into its permanent immigration legislation which will enable the United States to provide its proper and fair share of resettlement opportunities for the tremendous numbers of this generation's homeless and despairing families.

However, since the new immigration law is not geared to current world needs, but rather is related to historical circumstances of many decades past, supplementary legislation is obviously required.

We recognize that so vast a problem as that of the refugees cannot and should not be solved by the United States alone. It is an international problem which must be faced cooperatively by freedom-loving nations which adhere to basic moral principles. Many refugees must be resettled in the lands into which they were forced or to which they fled preferring destitution to slavery. Other countries in the world have living space available for large numbers of refugees, and in fact,

need the contributions to their national lives which highly skilled and cultured persons from Europe can render. On the other hand, the United States also needs to receive a proper proportion of these refugees. Among several reasons, I should like to stress two:

First, the refusal to open our doors would be a staggering blow to the strength of our moral leadership in the current ideological world struggle. America in the past generations has symbolized in all places of the world the fact that freedom and tolerance and the unity of peoples of all racial backgrounds are obtainable. Directly or indirectly we have inspired people to fight tyranny and to struggle for basic human rights at the risk of their lives. We have been quick to condemn in others their perpetuation of racial distinctions and traditional prejudices. We are prone to parade before the world the high ideals pursued by the founders of our Republic. It seems clear, therefore, that unless we practice what we preach we shall lose the respect and the confidence of those upon whose support we depend in the struggle for a free world. Democracy cannot survive apart from basic moral foundations guaranteeing personal dignity and human rights which an irresponsible majority cannot vote away. But such fundamental principles lose much of their meaning if they are applicable only to those who managed to get past the Statue of Liberty before the doors were slammed shut. Those who are current victims of injustice or oppression need to know that America is their friend not only at a distance and not only on the basis of mutual objectives of security, but also by virtue of the fact that all men are brothers under God and that, therefore, according to our highest traditions, we shall give them equal treatment on the basis of their needs. I repeat that we cannot be expected to assume more than our "fair share" of this burden, but it is unthinkable that we should not accept at least that much!

Second, I am convinced that well qualified and carefully screened refugees have something to offer us which we vitally need. It is trite to say that the genius of America is a combination of the strength and insights of immigrants from many lands. What is not always so clearly recognized is the fact that since the sharp drop in the number of immigrants coming to this country in recent years, Americans have been more apt to live in a world of their own and have thus deprived themselves of continuing sources of direct information about how those in other parts of the world feel and think. At no time of our history have we needed these insights so much as at the present time. I am aware of the fact that many refugees coming to this country spend much of their time inciting antagonism and seeking revenge upon their former oppressors in an unbalanced way. Further, I am keenly aware of the need for careful screening to prevent subversive elements from entering our population through the front door. These problems we must and can solve. On the other hand, no one fully understands the dangers of communism until he has suffered under its strangulating control. In addition, differences of language and tradition are almost insuperable until bridges be formed where a meeting of minds can take place. The success of the United Nations and the attainment of world peace depends upon this constant process of interpretation and sharing of insights and experiences. This cannot be done alone by visitors going abroad or coming to our shores for short periods of time. The num-

ber of refugees suggested to enter the United States under emergency legislation is relatively small compared to the natural increase of our population from year to year. Yet, I am convinced that such immigrants would make an important contribution to our national life and international understanding. Since the quota system of the present immigration law does not provide in sufficient number for all of the ethnic groups involved at this juncture of history, only emergency legislation can fill the gap.

I should like to make clear at this point that I am referring only to the needs of refugees whose number and circumstances create a condition which breeds desperation and becomes dangerous to us all. It is clearly an emergency. We are equally aware of the serious problem caused by the pressures of surplus populations in many parts of the world. Surplus populations, however, are not created by cold wars nor are they emergency matters in the same sense. The problem has existed for generations and will continue for generations and therefore should be considered carefully in connection with our permanent immigration policies. For these reasons we do not support emergency legislation in regard to surplus populations. And, should such emergency legislation for the admission of such refugees be enacted we believe that it should be a Government financed and Government administered operation. People are natural assets. They create wealth and they pay taxes. The only basis upon which their admission is proper is that thereby the interests of our country are served. On this basis, whatever expense is involved should be met by public funds, since the contributions these people will make in the future will be to our total national life and resources.

The recent legislation to admit displaced persons and refugees unfortunately depended upon the resources of voluntary agencies for its effectiveness. I think it is accurate to say that most voluntary agencies have consumed the bulk of their available resources and reserves for this purpose during the resettlement operation of the past 3 years, and are not able to continue on this basis in the future. Whether or not they are able, we believe that it is improper to ask them to finance and implement any program which might be authorized. From our American point of view it does not seem sound that only those immigrants should be brought to the United States who have organizations with adequate staff and funds to bring them here. This would not give equal opportunity, regardless of race or religion, to those who seek entry, nor would it provide for the most wholesome method of settling refugees in the United States. It would seem to turn a Government operation into a sectarian program, in the process of which the scramble for places and the solicitation for funds produces unwholesome competition and tensions. If it was proper under previous legislation for Government funds to provide transportation to the port of entry, it is equally proper for the Government to take the immigrant to his new home and to see that he becomes established there. To penalize a refugee financially because he settles in Texas or Seattle instead of in New York makes no sense at all, particularly when it has been our general policy to urge resettlement in the less populated, rural section of the country.

At the same time this Government financed and administered program should afford opportunities for supplementary services by

voluntary organizations. It is an undeniable fact that the process of assimilation into American life is a difficult one. On the local level, a man's closest contacts are made through community and religious organizations. Up to this point an impersonal Government agency can function adequately and efficiently; from this point on the personal element enters in. Our American way of life being as it is, it is preferable that voluntary agencies rather than Government agencies pick up the responsibility and carry it on to a successful conclusion. I believe that voluntary agencies generally regard themselves as having an obligation at this point and are willing to direct large amounts of funds and the skilled attention of trained workers to serve new immigrants in this way. Many of them are also equipped to render supplementary services in the camps overseas and at the ports of entry. Such a working relationship between a government and voluntary agencies is wholesome and proper.

In conclusion, permit me to observe again that I believe the suggestions made above are valid from the point of view of the self-interest of the United States and do not merely represent a personal opinion based solely on religious convictions. Ideas and ideals are the most powerful things in life. Not all powerful ideals are good. The Nazis and Communists have demonstrated that some powerful ideas are bad. The confidence of the world in moral leadership of America can be retained only if that moral leadership is consistently good. These proposals in regard to emergency legislation for refugees are related to the consistency of the American way of life at its best.

Recently I asked a European why so many of his countrymen were critical of the United States which obviously had done so much to help war-torn Europe since the war, while they had relatively little to say about the shortcomings of the Russians. His reply ran like this: "You can't criticize the Russians for not being moral or merciful, for they don't pretend to be either. Our contacts with the Russians have been distasteful and costly. We take it for granted that we prefer the American way of life. But we expect a lot of the Americans, because they do profess to be moral and merciful, and they stand before the world as a symbol of freedom and justice. We criticize you so much because we are desperately eager for you to live up to your own ideals and in that way to inspire the rest of the world to believe that such ideals are really attainable and worth fighting for." It seems to me that his comment has a direct bearing upon this subject which we have been discussing and in effect upon any other matter in which our great country faces its international responsibilities.

May I add personally that my ancestors came to this country in 1708 as Huguenot refugees from Europe. We owe this beloved land a debt we are ever seeking to repay. I trust that America will never lose faith in herself, in her strength, and in her traditions, in such a way that she shall cease to be the haven of hope and the new world of opportunity that she has been down through the years for millions of other families like my own.

The CHAIRMAN. Thank you, Doctor.

Mr. ROSENFELD. Dr. Empie, would you care to expand on your early observations on the emergency program that you were speaking of and the regular immigration law?

Dr. EMPIE. Yes, if I understand what you mean.

We were hopeful that since this period of tension and cold war seems to be an indefinite one—I have said repeatedly I don't expect to see a time of real peace as long as I live—that it need not be handled in the future emergency in a piecemeal fashion. It doesn't make much sense. Therefore we hoped that adequate provision would be made in emergency legislation brought before the last Congress that would provide adequately for the present needs of refugee groups in countries which do not have adequate quotas under the present system. We were, like many others, disappointed in that hope. And since that hope has been disappointed we have reverted to the support of emergency legislation. Last year we were not enthusiastic about it, hoping that the contrary would eventuate.

Does that answer your question?

Mr. ROSENFELD. What would be the characteristics you would propose if your objective for this purpose could be achieved through long-range regular immigration laws?

Dr. EMPIE. Well, unquestionably the present basis of the quotas with national and racial groups should be amended. The one which we now have or which is now in effect we believe is outdated, and as I said it is not realistic in regard of the present point of history. There would have to be larger quotas for some groups and smaller for others. I think that is the chief point. We have always said also that the unused quotas certainly ought to be made available for the use of other groups if they are not used for those who have first priority on them.

Commissioner O'GRADY. Would the emergency legislation you favor include otherwise qualified displaced persons and German expellees for whom there was not time to obtain visas under the expired Displaced Persons Act?

Dr. EMPIE. Yes.

Commissioner O'GRADY. In such emergency legislation, would you also cover escapees from behind the iron curtain?

Dr. EMPIE. Yes.

The CHAIRMAN. Thank you.

#### STATEMENT OF REV. BERNARD AMBROZIC, EXECUTIVE SECRETARY, LEAGUE OF CATHOLIC SLOVENIAN AMERICANS

Reverend AMBROZIC. I am Rev. Bernard Ambrozic, executive secretary of the League of Catholic Slovenian Americans, 238 East Nineteenth Street, New York.

I have a prepared statement which I would like to have inserted in the record.

The CHAIRMAN. Thank you very much. Your statement will be received.

(The prepared statement of Rev. Bernard Ambrozic, executive secretary, on behalf of the League of Catholic Slovenian Americans, follows:)

Gentlemen, the problem before us, the immigration and naturalization pattern of the United States of America, is a much complicated matter, and there are many aspects to it. Before we respectfully submit our recommendations, let us try to establish certain angles from which to view this problem.

Our organization has been, since the end of World War II, deeply interested in finding a solution to the burning problem of thousands of refugees and escapees from their native Slovenia, Yugoslavia. All of our statements and recommendations are based on 7 years' experience here in America, as well as that of our agencies all over the world.

During this period we have interviewed thousands of refugees, and we can say that we are well up to date on the present situation concerning their lives as refugees, as well as the conditions and beliefs of the people still in Tito's Yugoslavia, who are under Red tyranny.

In this particular instance, we wish to consider the following three angles: First, the humanitarian aspect; second, American world-leadership in resisting communism; third, economic and population aspects in America.

### *1. The humanitarian aspect*

Our country has been well known for centuries as the haven of freedom, the land of opportunity, the cradle of liberty. We do not have to repeat here the many things that have been said time and time again. Today, in our time, we see that there are millions of people in many lands who see no future for themselves and their children unless some foreign country opens up its doors to them, and many of them, quite understandably, cast their eyes toward American shores.

It is true that a few Americans will be found who are not moved by the miseries suffered by the people in certain European countries and elsewhere. However, most of them are very willing to help. It is not hard to collect money, clothing, food, etc., to assist the needy in foreign lands. The hearts of Americans are wide open to their plight. But comes the question: "Shall we invite them to come to this country?" and the picture quickly changes. Instead of open arms, we receive the reply too often heard and felt, "No; keep them away from our shores. We shall give even more for their support, if need be, but we do not want them here."

This attitude presents itself all too evidently in all our dealings with the poor and needy. We say, "Let us have public agencies and institutions for all who are in some way socially handicapped. Let us pay those who will care for them, as long as they are kept out of our sight and out of our personal contact."

This point of view is precisely what hurts our humanitarian (or Christian, if you wish) character. It is easy enough to give from our abundance, for then we have no real and personal sacrifices to make.

We cannot imagine the sufferings, the privation, the long winter nights or hot summer days, many times without proper food, clothing, or lodging, that those must experience who must live in DP camps.

The number of refugees and escapees also increases the number of unemployed in the countries where they are now harbored. Furthermore, there is no chance in those countries for them to be employed, as long as there are unemployed citizens in those countries.

Why not help them by admitting them to our shores and giving them an opportunity to start a new life instead of only extending to them a charitable hand, which, while most welcome and gratefully accepted, and of course, of vital importance, is most depressing to them, and at the same time wasteful, because these peoples are eager to work and earn their livelihood.

Our position of complacency, while most un-Christian and most unhumanitarian, is becoming so prevalent in our society, that the American immigration policy of our times is only a logical sequence emerging from it. Any foreigners in our midst are looked upon with disdain and considered simply a nuisance. We say, "Keep them away; we can get along much better without them."

But can we? We shall see when we discuss this question a little later on.

### *2. American world leadership in resisting communism*

Our country today is generally acknowledged as the leader of the free world. As such, we must set an example in every field of human endeavor for a better world. Among other things, we must liberalize our present barriers to immigration. This is essential if we are to continue to furnish leadership, also, in this question, so vital to the free world.

How can we hope that the world will take us seriously when we keep declaring that we are ready to do everything in our power to stop communism, and how can we claim our friendship to those under communism, if we continue to care nothing for those who happily escape the tyranny engulfing all behind the iron curtain?

It is hard to imagine a greater disappointment than that which is felt by a person who, at the risk of his life, crosses the iron curtain into freedom, only to find the hearts and doors of free countries tightly closed, and the miserable life in crowded and unsanitary displaced persons camps the only aspect of the future. Willing to work and fight for freedom—perhaps to die in the attempt—under the shining leadership of America, he learns that America has no use for him; that he had better go back to the country whence he came.

America, and we must face it, sets the example which other countries consistently follow. The sorry plight of escapees such as this sooner or later becomes known in their native land, and naturally diminishes the will to resist, while on the other hand, it helps Communist tyranny and gives fuel for more anti-American propaganda, which people, in view of their information about the experiences of escapees, can no longer entirely disbelieve.

The admission of refugees into America is a far better type of propaganda among enslaved peoples than broadcasts or the dropping of leaflets. Think only of the difference between the Nazi massacre of refugees and deserters from Soviet Russia during World War II and the welcome of refugees by America.

The psychological effect in the event of a war with a Communist country would be tremendous. The people would know that there is nothing to fear should they escape Red tyranny, although communistic propaganda has been telling them so for years. Admittance of refugees to this country would be the best proof to them that America is the most human and a real leader against communism on all fronts.

Who are we to judge and condemn the living to a life of moral and spiritual, yes and even corporal, death under the Communists?

These escapees and refugees are a living example of what a free land can mean and should mean to all of us. Just ask any DP and listen to what he says about conditions in his native land.

The way to fight communism is to build up our forces with those who know and have lived with it. We have a weapon we cannot afford to throw away, for who is so strong that he does not need the weapon of knowledge of his enemies? We can learn much from the persecuted. In fact much more and with a greater reality than we can learn from those in high places, who are only shown the more obvious facades of communism and its leaders.

We must learn to recognize a good weapon—but even more important, we must use it.

All this has been mentioned by Monseigneur O'Grady, who writes as follows: "The United States has assumed a world-wide leadership in maintaining the Christian and democratic way of life. It is therefore interested in building up the economies of other countries and strengthening them in their fight against communism. This cannot be done by material aid alone. No amount of material aid can solve the problems \* \* \* without giving them an opportunity of settling some of their people in other countries, but we cannot ask other countries to accept \* \* \* immigrants if we are not willing to do our fair share."

### *3. Economic and population aspects in America*

It is a well-known fact that the United States was built up and became the most prosperous country on the globe by the labors and efforts of immigrants. Yes, and we readily admit that it cannot go on and on as in the past, say just before and after 1900. On the other hand, any thinking American will find it hard to convince the world that there is no other way out than to limit immigration to such rigid narrowness as it has been done. You will still find many able economists and social experts who feel that our country could still benefit by a considerable flow of immigration from other countries. Why not listen to such men instead of giving all the attention to those who, in their egotistic narrow-mindedness, take no time to go to the roots of the matter and only jump to weak conclusions made by observing certain local maladjustments in their immediate neighborhood?

Besides, do we not have facts right here before our eyes and in our own times? Just a few years ago, we witnessed the wrangling over the proposal to admit a few hundred thousands of DP's by an emergency legislation. The echos of "Where shall these people find shelter and where shall these people find employment?" have hardly died down, and lo, here we are, some 4 or 5 years later, and who can say that the United States is actually worse off because of their presence? The simple fact is that these people on the whole have been absorbed much easier than we had ever expected.



We realize, of course, that there are still those who say our present housing shortage is caused by the presence of DP's, but let them go seeking an apartment with any young couple today (with or without children), and they will see there are many to be had, but owners and landlords are asking exorbitant sums for them and therefore the average person cannot afford them. This problem is a separate one of apartment owners and their desire to make a lot of money, and at the same time, have no children—or the possibility of children—in their apartments. It is not one of too many DP's in the country.

Many of these DP's are actually living in apartments the average American would not even dream of inhabiting. They are neglected and in dire need of repairs, and perhaps, even in neighborhoods that are not the best. On the other hand, some landlords prefer these DP's because they know they will take care of the property so maltreated by others, but these landlords are not so great in number that we could say "old" Americans are deprived of apartments because of this practice.

Of the groups admitted by our organization, more than 80 percent of the adults have been skilled in mind or hand. Do you know that within recent years, the majority of the DP's accepted for admission through our office were farmers, doctors, lawyers, engineers, writers, sculptors, master locksmiths, and metalworkers, promising students, and skilled artisans of the various types? None have had to apply for relief, and have been eager to taken even the most menial jobs in order to earn their livelihood and start on their way to a new life in a world away from camps. None have become public charges in any of the States to which they were admitted. In fact, many of these people, by reason of their own ability and ambition have proved themselves worthy of our trust and have obtained scholarships in this land of competition and have gone into nursing, teaching, or other professions, and many, also, have been absorbed successfully by major industries. Our Armed Forces have already made good use of the services and knowledge of some of our DP boys, and a few are beginning to return to the States. Because religion is not tolerated under communism, there are those who have now been able to complete their study for the priesthood, and others who may continue their good work from outside the bars of a cell, or the threat of death.

These people who have been permitted to come here are rekindling the ambition of our forefathers, who sought and worked for advancement in all things. Those who had nothing left after fleeing their country, find joy in being able to work for what they need and desire. Those who have been given the opportunity to live here will grow deep roots, and with these roots of love, knowledge, and loyalty, will grasp firmly the soil of a free America, and always be ready to help preserve it.

We must not forget, that through these people, the arts and skills of the Old World are brought again to the New \* \* \* to refresh the waning knowledge of some almost forgotten crafts, and perhaps revitalize the cultural aims of a progressive nation. The knowledge of the Old World, mingled with the discoveries and material wealth of the New, can create something that is possible only in America.

As an intelligent Nation, our problem should not be how to keep these people out, but how to accommodate the vast stores of knowledge and energy and courage that is theirs.

Can we afford to ignore the offer of staunch citizens and strong men and boys for our industries and for our armies? Can we afford to ignore the years of experience in all branches of labor—physical and mental—or the courage to fight and start again shown by these people?

If we can afford to ignore all these things, then we surely must have reached the pinnacle of human achievement, for we need no longer to grow, to discover, to fight, either in the scientific, medical, or practical way of life.

We often hear that former displaced persons are able to work their way up and attain the best jobs in our factories, and are able to use their money more wisely than "old" Americans, and buy homes which no one else will buy. There can be no doubt that after these people are happily adjusted, other hundreds of thousands could come in and do just as well. We believe there is room enough on American soil for many more people.

Considering all the points mentioned heretofore, we would suggest that the United States immigration policy and legislation should become more elastic. The existing legislation should be amended to meet the present world situation as efficiently as possible. We therefore respectfully submit the following recommendations:

## A. GENERAL (OMNIBUS) IMMIGRATION LEGISLATION RECOMMENDED

1. That "affidavits of support" given by American citizens be looked upon as the deciding factor by the American consul rather than the national quota of various countries.

The reason is self-evident. The odious accusation of discrimination would thus become groundless. The question is not what kind of people are admitted (with the obvious exception of "undesirables" on moral, ideological, or physical grounds), but how many American citizens are willing to accept responsibility for potential new Americans. When, say, a large number of Americans of Italian extraction are willing to take care of a large number of their conationals from Italy, why should a small quota number prevent them from being admitted? The same applies to other countries. All those admitted will become Americans, with no regard to their descent.

2. That if the national quotas cannot be abolished, as per the preceding recommendation, they at least be repropportioned, so as to take into consideration the overpopulation of individual countries and the actual desires of those people to come to America. It is well known that some countries never fill their annual quota, while highly desirable people of other nationalities cannot secure a quota visa for years.

3. That those yearly quotas which are not taken advantage of by certain countries be split among other nationalities, either proportionately according to their regular quota number, or according to their needs (overpopulation, number of applications, etc.).

4. That issuing of national quota visas be primarily given to refugees and escapees who are in the western part of the world. If these are not filled by reason of lack of applications by these refugees or for other reasons, applications for immigration into America by the people actually living in their native countries should be considered, giving priority again to dependents of American citizens and residents, reuniting in this way, families broken by the war and its consequences.

## B. EMERGENCY LEGISLATION RECOMMENDED

1. That for refugees and escapees and similar groups, an emergency legislation be enacted without delay. A fair number, say 10,000 or 20,000 a year for some time to come, should be invited to immigrate. Naturally, the screening should be careful, but at the same time, strictly objective.

There can be no doubt that "sponsors" will be found in abundance, and the fear of overpopulation in America due to such an action is ridiculous. Auxiliary agencies will be glad to do the job, and the Government need only give them authorization.

## C. PROBLEM OF OVERPOPULATION IN EUROPE AND ELSEWHERE RECOMMENDED

1. That to solve the problem of overpopulation in Europe and elsewhere, the Celler bill of last spring, worked out on the basis of the President's message, be amended in such a way that the number of refugees and escapees be increased and the number of overpopulated Germans, Italians, Greeks, etc., lessened. There is little help to Italy, Germany, Greece, etc., if you take out their nationals, natives, and leave in there refugees, complete strangers, to cope with. The refugees contribute to the overpopulation twice as much as nationals, and are much harder to absorb. As long as we cannot take out both groups, refugees and nationals, why not pull out the strangers first, and then try to do something worth while also for the other group? As things are today, we surely cannot expect that those who have braved the iron curtain would ever be repatriated. We have to take them some place.

There is no doubt that persons admitted according to this recommendation could very easily be taken care of by individuals and/or communities in this country.

A different question would arise if and when our country would consider this problem on a large scale and as a long-range program. Should it come to that, we are sure the Government would have to plan out some kind of a project similar to that of Australia, of which we read recently. In our opinion, there are definite possibilities in America for such a large-scale action.

To be specific: America needs farmers. Under the provisions of the first displaced persons bill, many farmers were admitted to this country. Yet, the DP's have not settled on farms; at least, not to a significant extent, though they were farmers and loved the soil. Why?

True, it so happened that factories were in need of workers just while this immigration was in progress. The DP's, already settled on farms, rushed to the cities and obtained good employment in factories. But, this is not the whole answer.

The DP's know and can tell you a better one: "If there were any prospects for us to become owners of farms at any foreseeable time, we would gladly stay out there on the soil. As it was, in most cases, our employers were not our sponsors, but exploiters, or would-be exploiters, and the law was more or less against us."

Let the Government throw some real financial power behind any such large-scale future program, so that future new Americans can gradually become independent on their land, paying back to the Government on easy terms, and the result will be quite different. Under such a plan, Government-sponsored and financed immigration project, not thousands or hundreds of thousands, but literally millions could be admitted from overpopulated countries to great advantage of both the Old and the New World.

On this occasion, gentlemen, may we respectfully state that the attitude of the United States toward the refugees from Yugoslavia at the present time is a flagrant example of discrimination. Who can justify, and how? the fact that refugees from Yugoslavia, the Slovenes, Croats, and Serbs, are excluded from the benefits of the "Emergency fund for the President"? In view of such a discrimination, how can we hope to prevent their exclusion from some future emergency immigration legislation?

If this practice continues, we will have to believe rumors to the effect that the DP's from Yugoslavia will be kept in Europe pending possible future forcible repatriation in exchange for some, maybe unimportant, favors from Tito. We hope that American authorities will not follow the British example of 1945, when, by trickery, they forcibly repatriated over 10,000 Slovenian refugees, who were subsequently massacred.

Is it not freely admitted all over the world, including Yugoslavia itself, that the unhappy Tito-land is not a bit less communistic than the U. S. S. R. and its satellites? Why then look askance at the brave persons who fled the communistic Yugoslavia of Tito?

The above statements and recommendations are respectfully submitted to the President's Commission on Immigration and Naturalization in the name of the League of Catholic Slovenian-Americans, a national organization with its headquarters in the city of New York.

The CHAIRMAN. The next witness is Mr. Peter C. Giambalvo.

#### STATEMENT OF PETER C. GIAMBALVO, NATIONAL CHAIRMAN OF THE PUBLIC RELATIONS COMMITTEE OF THE INDEPENDENT ORDER SONS OF ITALY

MR. GIAMBALVO. I am Peter C. Giambalvo, national chairman of the public relations committee of the Independent Order of the Sons of Italy, 225 Lafayette Street, New York City. I speak here on behalf of the Independent Order Sons of Italy, of which I have been supreme national master for over 10 years. I am also appearing individually as a practicing immigration attorney.

I have a prepared statement which will explain fully in detail what I wanted to say.

The CHAIRMAN. Your statement will be inserted in the record.

(The statement of Peter C. Giambalvo individually and as national chairman of public relations committee of the Independent Order Sons of Italy follows:)

Mr. Chairman and esteemed members of the President's Commission on Immigration and Naturalization, I consider it a marked honor and privilege to accept your invitation and to speak here this afternoon in a cause which is dear and near to my heart and of so much importance to our Nation. I do not wish, therefore, to have this occasion come to pass without complimenting our President for his foresight and courage in the formation of this most important Commission, and to

thank you for the sincere efforts in the gathering of evidence and opinions in order to formulate such recommendations so that the Congress of the United States may enact such immigration laws which would put and keep the United States in the forefront of all free nations of the world, as a beacon which will illuminate the way of all peoples seeking freedom, democracy, and peace.

We are a nation of immigrants. Some may take pride in the fact that they are descendants of ancestors who came to the United States several generations ago. For that reason they feel that America belongs to them and that immigrants who came to the United States generations after, are not as good Americans as the Pilgrims of Plymouth Rock and their descendants. Because they came first and solidly established themselves in this grand land of ours, they feel that they have the exclusive right to dictate to others who followed; that they are masters and the others the servants; or to put it mildly, that they have the exclusive right to decide who may come to the United States, what people and race can be admitted, and the type of rights and citizenship which these people may expect to enjoy in the United States.

My father was not a member of the crew of the *Santa Maria*, the *Nina*, or the *Pinta*, the first three little schooners which Christopher Columbus brought to the American Continent on October 12, 1492. My father and/or my ancestors did not come with the first or second group of Pilgrims in 1620 or 1621. I came here in the early part of this century. I did not come from England or from northern Europe. I came from sunny Italy. I assure you that I do not consider myself, and, as a matter of fact, I am not less loyal and patriotic an American than anyone who is the descendant of people who preceded my landing in the United States by centuries. My life, with regard to my attachment and devotion to America, is an open book and my contribution to America in the nearly 40 years I have lived here is testimony and proof of my Americanism. I can say the same thing for the many scores of thousands of people who came to the United States from Italy, members of the Independent Order Sons of Italy. I have no hesitancy in asserting the same thing for the several million Americans of Italian extraction living, working, and hoping in the United States.

The contribution of immigrants of Italian extraction to the development and betterment of America is known to the entire world. Both in peace and war the Italian immigrants have been in the forefront in the American life. I believe it was Mr. Butler, when he was president of Columbia University, who said: "If from the book of world civilization we subtract the pages of the contribution of Italians to the world there will be very little left." Without being accused of exaggerated national pride, I would include in the statement of President Butler, Greece, for Greece too has enriched civilization together with Italy.

Because we are, as stated before, a nation of immigrants, immigration is and should be a basic policy of our Nation, just as important as our domestic and foreign policy. As a matter of fact, immigration is so interwoven with every phase of our life that it would be a grave error to relegate it to a position of little importance or as a matter of secondary importance. America has been defined as a melting pot, where the elements of all races and peoples add to this melting pot and create the American character and individual. People from Germany, from the Scandinavian countries, England, Holland, Italy, Greece, and other parts of the world come to America, become friends, brothers, and work and live, hope and die together as one people, the American people.

It is axiomatic, therefore, that all the people who have made this great and challenging American people should be treated alike regardless of whether a person comes from Finland or from the farthest south corner of Europe. He should enjoy the same rights, privileges, and treatment, as long as he embraces our philosophy of life, obeys and respects our laws, and becomes a vigilant guardian of our traditions and heritage.

We are a free people, we are children of the same Creator and, as such, should not be subjected to any discrimination or enjoy paternal favoritism.

We are engaged in a death struggle against "isms" which are not Americanism. Nations on this side of the iron curtain have united with us in the common struggle against the common enemy, that enemy which is "hell bent" to destroy our way of Christian and civilized life. These nations of Europe are doing everything within their power to assist us in this fight. They are friendly nations. We are throwing billions of dollars, the sweat and the blood of our American people, into the fields of Europe, in order that we may win this crusade against communism. One need not be a genius to know that communism thrives on misery and the dissatisfaction of people. To what avail will the American billions be if we fail to help those people of Europe in their political and economic struggle.

Nations of Europe are full of people who escaped the claws of the Russian bear, tyranny and oppression. These people are unsettled. They live from day to day with no home, no place of employment, and very little food to eat. Other nations of Europe are burdened with a tremendous amount of overpopulation and expellees. Their economy has run to the lowest ebb because of the surplus population, expellees, and refugees. The American dollar alone will not cure the illness because they lack the space to move about or the resources and the industries which would keep them occupied, earning, happy, the most effective antidote against communism.

The solution of this problem is to be found in immigration. Relieve Europe of many thousands of people, bring them to our farms and factories. We can absorb a good deal of able-bodied farmers, professional men, mechanics, without harming our economy. It will be more effective and more far-reaching than the sending of millions upon millions of American dollars to Europe. We understand that America alone cannot be expected to be the harbor or the haven of all displaced persons, expellees and overpopulation of Europe. It is an international problem which must be solved in an international set-up. I am certain, however, that America has taken the leadership in the battle for the restoration of peace and democracy in the world. The entire universe looks up to America and will follow America in bringing about the settlement of these world problems. America is the hope of the world and we should not disillusion the world and our free people by ignoring the needs of these people and take the steps to alleviate, solve, and/or cure.

It is about a month since I returned from my fourth trip to Europe within the last 2 years. I have studied conditions in Europe and have felt the pulse of European people. We must not disillusion them. Loss of hope is loss of will to live, to plan, to work, to fight, and to breathe. We must not allow such hope to be lost. We must not allow the source of hope in America to be only a mirage.

It is my sincerest and mature belief that a radical rewriting and liberalization of the immigration laws is most important, as well as most urgent. I fully agree with the President of the United States and with the expressions contained in his veto message of June 25, 1952, against the approval of the now famous McCarran-Walter immigration law.

The McCarran-Walter law has created two types of citizenship and has sanctioned and perpetuated the highly deliberate and discriminatory quota system. The McCarran law has not liberalized the immigration laws but has made them more stringent and heartless and has created some form of police state which is abhorrent to every red-blooded American.

Native-born American citizens who are dual nationals, would be subjected to laws of citizenship on grounds not applicable to other native-born American citizens. This distinction is a slap at most of Americans whose fathers were of alien birth.

A child would be subjected to additional risk of laws of citizenship, naturalized citizens would be subjected to the risk of denaturalization by any procedure that can be found to be permitted under any State law or practice pertaining to minor-civil lawsuits. Judicial review of administrative denials of citizenship are severely limited and impeded in many cases and completely eliminated in others. I believe these provisions raise serious constitutional questions.

I fully concur with the President's statement on his veto message contained at page 6 thereof, where he states :

"That the provisions (McCarran law) are worse than the infamous Alien Act of 1798, passed at a time of national fear and distrust of foreigners which gave to the President power to deport any alien deemed 'dangerous to the people and safety of the United States.' Alien residents were thoroughly frightened and citizens much disturbed by that threat to liberty."

The McCarran law has done even more than that. It has created an insurmountable barrier between the people of the United States and the friendly people of Europe. It has created resentment and mistrust and has given to the Communists the best weapon to be used against us and to deride and ridicule us and our sincerity to help solve the problems of Europe and the world.

I deem it helpful and beneficial to America if the present immigration laws with relation to the quota system be abolished and that the McCarran-Walter law, adopted by Congress, to go into effect December 24, 1952, be also abolished and an entire new codification of immigration laws be rewritten and made the law of our land. Consequently, I propose :

1. That such quota be based on the racial or nationality groups who were in the United States in 1930. A quota based on the year 1930 would do away with

the stigma of discrimination in favor of the people from northern Europe and against the people from southern Europe. This would eliminate a good deal of criticism and would permit people from Italy, Greece, Hungary, France, and the lowlands to be admitted to the United States in a greater number than now permitted and thus, also solve, to some extent, the surplus population of countries of southern Europe.

2. Preferential privileges should be given to members of families of immigrants living in the United States. This would cause the reunion of families of naturalized citizens or lawful-resident aliens in the United States, engendering happiness and well-being among those families and the considerable reduction of American capital which the naturalized American citizens and lawful resident aliens are continuously sending to Europe to support and maintain their families there. In addition thereto, such a law would be a serious and drastic deterrent to people who desire to enter the United States at any cost and because of the restrictive sanctions of our immigration laws cannot do so except by entering illegally. The liberalized entry of people from Europe will decrease the clandestine entry with the proportionate decrease of our expenditures needed to maintain, administer, and enforce our immigration laws at the cost of hundreds of millions of dollars per year.

3. Along those lines, I would embody in our immigration laws, or perhaps by a special act, an amnesty for all those aliens—this may sound radical—in the United States who entered without inspection or as deserting seamen and who have been in the United States 3 years or more, and who can establish that they have been persons of good moral character for a period of 5 years or more; who have been lawfully and gainfully employed, not affected by mental or physical hideous diseases and whose political ideals and philosophies are not contrary to the interest of America. I would give them a specified period of time within which they may submit to the immigration process and afford all those submitting and qualifying, the opportunity to adjust their status for permanent residence in the United States and, eventually, citizenship.

A measure of this kind would save the American Government and taxpayers of the Nation millions and millions of dollars needed in order to conduct this continuous man-hunt and subject them to our deportation process.

4. I would establish that any alien with 5 years' continuous residence in the United States, upon proof of good moral character, be granted voluntary departure and preexamination, whether or not he is married to an American citizen or a lawful resident alien, and whether or not such alien will be able to obtain the prompt issuance of a consular visa under the national quota which he would come under, as is now the case. I think that is an imposition that should not be allowed to continue.

5. Any alien in the United States who obtained his admission as a deserting seaman or as a stowaway, if he did not submit for deportation and/or immigration process, as mentioned in No. 3, should then become amenable to deportation process and his case processed according to the present immigration laws and granted voluntary departure or deportation, as the facts and circumstances in the case might warrant.

6. The new law should provide that suspension of deportation should be granted to any alien illegally in the United States, who has become the spouse of an American citizen or a lawful resident alien, upon proof of good moral character for a period of 5 years or longer. Suspension of deportation should also be granted to unmarried aliens with 7 years' continuous residence in the United States or more, and upon showing good moral character for 5 years or more preceding his application for suspension of deportation.

7. The new immigration law should provide a set of rules—and this is very important—and regulations to be followed by the administrative section of the immigrant set-up under a Commissioner of Immigration. A minimum requirement in order to qualify for favorable relief should be set forth in such regulations and upon the alien's meeting such minimum requirement, it should not be left to the discretion of the immigration inspector to grant or deny the relief the alien applied for.

8. A decision of a hearing officer or hearing inspector should be reviewable by the Office of the Commissioner of Immigration. The decision of the Office of the Commissioner of Immigration should be made reviewable by the Board of Immigration Appeals and the decision of the Board of Immigration Appeals should be made reviewable by the United States courts.

9. Aliens illegally in the United States, upon their apprehension, should be entitled to be released upon posting of an immigration delivery bond of \$500 and

not more than \$1,000, unless the apprehended alien has committed and been convicted of a crime involving moral turpitude, or is wanted by any State authority for crimes allegedly committed by him, or has professed and/or professes political ideas which we condemn as against our democratic way of life and dangerous to the interest and welfare of the United States. It is very dangerous and works unnecessary and inexplicable hardship, to leave to the discretion of the Immigration Service whether or not any alien should be detained without the benefit of bail, in many cases, for many months, and at the expense of the Government of the United States and, consequently, of the taxpayers of the United States.

10. There shall not be two types and/or categories of citizenship. A naturalized citizen shall have the same rights and the same privileges and the same duties and obligations that a natural-born citizen enjoys in the United States, whether he is an American born of the first, second, or third generation. No citizen of the United States should be deported from the United States until and unless it has been proven that he has committed such a crime hideous to the American standard or morals, or has committed a crime against the interest of the State and Nation. In any event, the citizenship of such individual shall not be lost automatically, but he should be subjected to a denaturalization proceeding, as in the present immigration laws.

11. Pending the approbation of the present laws and the laws which go into effect December 24, 1952, and the sound, sane, calm, and unhysterical consideration of our next Congress of a new Immigration Act to be created and written, and the establishment of a new and more liberal quota system, I recommend that three special acts be passed by Congress:

(1) The adoption of H. R. 7376, known as the Special Migration Act of 1952;

(2) That the unfilled quota of the years during World War II be filled and used by the nationals of those countries which could not avail themselves of such quota because of the war years; and

(3) That the unused quota numbers of those nations subject to quota regulations be apportioned and used by those nationals whose quota number was filled and became oversubscribed. To illustrate: If the English quota amounting to about 56,000 per year was only used to the extent of 30,000 for any year; that the 26,000 unused and remaining be divided among the other nations whose quota was filled and who have other applicants waiting for quota numbers and visas to come to the United States.

I believe that the consideration and the adoption of what I have above presented and suggested will be a great boost and morale builder for our free people of Europe engaged, as we are, in a struggle for survival. It will benefit America and will encounter approbation and blessings from all the liberty-loving people of the world. It will save many American taxpayer dollars and will unite many families now broken up and hopelessly divided because of our ill-timed and ill-advised laws.

We fought a tremendous destructive war for a principle; we wanted Hitler and all the Hitlerites to know that all people are equal, they are all children of the same God, regardless of whether their skin is red, yellow, black, or white. We fought a war in order to prove that there is no superrace in the world and that Germans are no better or worse than Americans or British or Italians. The McCarran law seems to do and encourage what Hitler stood for, a superrace or the Aryan race. America has been discovered, built, and civilized by people with blond hair and blue eyes, as well as people with black hair and brown eyes. The creators and builders of America, regardless of race, color, or creed should be treated alike.

This is my message and the message of the Independent Order Sons of Italy. It is the message, I dare say, of all true Americans and democratic people.

Mr. ROSENFELD. In one of the recommendations contained in your statement you propose that the quota be based on the year 1930 instead of 1920. What effect would that have on the Italian quota?

Mr. GIAMBALVO. The effect would be that perhaps instead of the present Italian quota of 5,803, it would be doubled that amount or more, because in those days there was a great influx of Italians to the United States.

The CHAIRMAN. We appreciate your coming before us.

The next witness is Peter Minkunas.

**STATEMENT OF PETER MINKUNAS, EXECUTIVE DIRECTOR, UNITED  
LITHUANIAN RELIEF FUND OF AMERICA, INC.**

Mr. MINKUNAS. My name is Peter Minkunas and I am executive director of the United Lithuanian Relief Fund of America, Inc., 919 Glenmore Avenue, Brooklyn, N. Y. I am testifying in behalf of that organization.

I wish to read a statement in behalf of my organization.

The CHAIRMAN. You may do so.

Mr. MINKUNAS. I wish to express my thanks for the privilege of appearing before this Commission to express the views of the United Lithuanian Relief Fund regarding the present immigration policy and law of the United States.

Our organization deeply appreciates the establishment of this Special Commission by the President to study and evaluate the immigration and naturalization policies of the United States, because we are convinced that the good or bad aspects of our immigration laws will not only affect our lives here, but also our relationship with other nations, which is of the utmost importance, since the United States has an obligation of high moral leadership in the practice of mutual charity among nations in today's world.

I will limit my testimony to the present quota system, and its adverse effects on Lithuanian emigration to the United States, which is of constant concern to the Americans of Lithuanian descent.

According to the immigration law of 1924 Lithuania's yearly quota was established as 386. It appears that the newly enacted Public Law 414, section 201, does not increase this number. The Lithuanian displaced persons, who arrived in the United States in accordance with Public Law 774 and the amended law, have mortgaged 50 percent of this annual quota up until the year 2087, which means that for more than a century only about 190 Lithuanians throughout the world will be able to emigrate to the United States each year. Because of Lithuania's present tragic situation, thousands of Lithuanians, who are forced to leave their country, have no hope of emigrating to the United States, where they have close relatives, who emigrated and resettled here earlier.

Let us take a look at the past. According to official statistics, the 1940 census shows that there were 394,811 Lithuanians in the United States, which is one-sixth of the total population of Lithuania. In the eighteenth century, when Lithuania was divided between Russia and Germany, the Lithuanians found the czarist regime unbearable and fled from its persecution. As a consequence mass emigration to the United States began. This mass emigration was especially great between 1898 and 1914. During this brief 16-year period 292,294 Lithuanians emigrated to the United States, according to official statistics.

The immigration law of 1924 and the present Public Law 414 in establishing quotas for certain areas takes as a basis the census of 1920.

It is our opinion that the latest census figures should be the basis in establishing fair quotas, because, insofar as the Lithuanians are concerned, the census of 1920 is not accurate, since many Lithuanians emigrated as Russian or Polish immigrants prior to World War I, and were designated as such in the census. According to the 1920 census



there were about 250,000 Lithuanians. The 1940 census shows that there were 394,811 Lithuanians, which is about 65 percent increase over the 1920 figure, although only about 7,000 Lithuanians emigrated between 1920 and 1940. This shows that the earlier arrivals began to understand the question of ancestry better and registered properly, which explains the vast difference in statistics. Therefore, should the formula of Public Law 414, section 201, remain, it seems highly reasonable to recommend that the latest available census be designated for compiling quotas for the various areas, rather than that of 1920.

It is no secret that the present law supplies the greatest opportunity for emigration to persons of British and Irish descent. However, from 1920 the experience has been that they do not presently have the same interest in emigrating in numbers equal to earlier emigration, and in the numbers allowed by our immigration laws. Therefore, they do not fill their allowable quota and each year almost one-half of their quota is not filled.

On the other hand, there are thousands of persons of other nationalities who wish to emigrate to the United States, and who would contribute as much to the welfare of our country as those from Great Britain and Ireland, but who have no hope of reaching the United States because they were born in countries which have especially small quotas. This is particularly true of those countries which are behind the iron curtain, and from which, because of the perpetration of genocide, the people are forced to look for a haven elsewhere. Lithuanians have contributed no less than other nations to the American way of life. Our immigration law, section 201, should be more flexible and should reflect present circumstances, and if we feel that the United States can readily accept 150,000 emigrants each year the law should be reconstructed to permit that full number to be used. I am speaking about the Lithuanians, but this applies also to other European nations, which are on the other side of the iron curtain, and whose quotas are small.

It is true that after World War II, through the generosity of the United States, and the special Presidential order, and especially through Public Law 774 and its amendment, about 30,000 Lithuanians arrived in the United States. They were resettled most satisfactorily and have readily become adjusted and integrated into our way of life, and it does not appear that they have burdened the American public in any way.

Today, there are about 10,000 Lithuanian refugees in Europe and this number is increasing, because from time to time new Lithuanians escape from behind the iron curtain to find haven in the free world. Since, as I have mentioned, about one-sixth of Lithuania's total population is settled in the United States; it is only natural that they turn to this country, because their loved ones, relatives, and friends would help them to resettle. But, because of the unusually small quota allocated by the present law, very few of them will be fortunate enough to come to the United States.

Therefore, we believe that our country's present national-origins formula is unfair and actually outmoded from the scientific and historical viewpoint, and we would like to see it replaced by something more scientific.

In the event that the formula of the law determining quotas should remain as it is, it would be advisable to provide a so-called "pooling of

quotas" provision. And, taking into consideration the present tragic plight of refugees of certain countries, the least we could do is to apply these visa numbers to applicants from countries where the number of visas available are small.

Americans of Lithuanian descent are placing a lot of faith and hope in this Commission's preparatory work, and believe that the new Congress will take note of recommended changes in our immigration law and will amend it accordingly.

The CHAIRMAN. Thank you very much.

Mr. Dominic J. Piscitneeti may testify next.

**STATEMENT OF DOMINIC J. PISCITNEETI, WESTBURY,  
LONG ISLAND, N. Y.**

Mr. PISCITNEETI. My name is Dominic J. Piscitneeti, 458 Oxford Street, Westbury, Long Island.

I am in the plumbing and heating business and would like to say something as an individual.

Mr. Chairman, I have no prepared statement, but I happen to be the son of an immigrant. I was born in Westbury, Long Island, in a family of six boys and three girls. We have lived all our lives in Westbury. I have raised a family and have two daughters.

When this bill was passed I read the headlines of our local paper and saw in there that President Truman had vetoed the immigrant bill, and that he had said in his veto message that the idea behind the bill was that Americans with English or Irish names made better citizens than those with Italian and Greek names, and so forth.

Well, that really hurt me because I happen to be the son of an Italian immigrant. I am proud of it and proud that my father came to America and I am proud of what America has done for me. I served in the service in World War II in the Construction Battalion of the Seabees. I had two children at the time and I volunteered for the service I wanted to do for this country. To think that we have men elected in Washington who will pass remarks of that sort in setting up a quota, I don't think it is fair.

I do know from going to school that England came here and burned down our Capitol and at the same time they are here giving them the biggest part of the quota to come over here and maybe burn the other one down.

I think that is very discriminatory. I think the quota for coming to this country should not be done on a national basis. If they feel they want immigrants to come to this country, then everyone should be treated equally. There is no reason that anybody from England should be better than anybody from Italy or anybody from Germany or Ireland or any other part of the world, I feel.

Also, I don't think it is fair that once you become a citizen the same as I am right here now and I do commit a crime here that I should not be punished in the country in which I commit the crime and put where I belong. I don't feel I should be thrown back into the country where my parents come from. If I am not fit to be here, then I wouldn't be fit to be there because I am just going to cause a disturbance there. The way we are working now we are trying to unite and make the world a better place to live. It doesn't help to take the criminals out

of America and send them back there. If they commit a crime in this country they should be punished and kept here.

I would also like to state for the record—and I am a Republican—that I agree wholeheartedly with President Truman's veto message. I really think our representatives rushed the bill through, for some reason or other that I don't know of. I think the President did a wonderful job on his veto message and I think that he really has the country as a whole at heart.

The CHAIRMAN. Thank you very much.

Dr. Isabel Allen will be our next witness.

#### STATEMENT OF ISABEL ALLEN, STURGIS, MICH.

Dr. ALLEN. My name is Isabel Allen; I am a doctor of philosophy in languages, and I live in Sturgis, Mich. I am testifying just as a private individual.

First I want to mention the aim of our immigration. It seems to me the present problem is to prevent the infiltration of communism into our country. Secondly, we wish to prevent situations which favor joining Communist organizations and workers and the acquisition of sympathies with Communist philosophy. Third, we wish to protect our own minority groups from increased competition in housing and jobs, which are already too limited. Next, I think we should favor nonquota immigration of refugees from iron curtain countries. There is nothing that can help our anti-Communist cause better than to give those people now under the iron curtain hope. There is nothing that spurs activity like hope.

Next, we should favor the entrance of rigorously screened qualified persons of skills or professions where there are shortages. I noticed that these Polish refugees, with whom I have been working, have unusual mathematical skills and some of them have now finished their college training in engineering and have gone out and are working for their Ph.D. degrees in engineering.

I have noticed in the immigration law of 1924 that there was a non-quota arrangement for all countries that are independent in South America; that is, those which do not owe allegiance to a foreign power. That screens out very few. Only the Guianas and British Honduras and the Island of Guadeloupe. That means practically unlimited immigration from South and Central America. These people are mostly dark skinned, Negro or dark skinned. They come to New York and Detroit and mostly large cities and settle in the slums. Because they come preeminently from unskilled labor. You see their education is entirely different from ours. I have traveled a good deal in South American countries. They don't have compulsory schooling. They have no enforced education. There are no probation officers to round up the people who don't want to go to school. They don't have free books and some of those people can't afford books. In South America as a rule they don't go as far in school as we do. They go as far as the sixth grade at the most. You can tell the difference in their qualifications for teachers in education. After the sixth grade they go to teacher training schools.

So, when those dark-skinned people come here they are competing with unskilled labor at the level in which there is the most competition. Either they can't get jobs and go on relief or they displace other dark-

skinned workers who then can't get jobs and go on relief, making an added burden on our taxpayers.

I have also discovered something else about our immigration policies, and it may be news to some of the people in this room. It was a great shock to me. The American consuls in various foreign countries, particularly in the Caribbean area—the Caribbean and Haiti—are giving tourist visas to the inhabitants of these countries without any screening whatsoever, without any money to finance them after they get here, no questions asked about their money and a one-way ticket. Then, after the people get here on their one-way tickets with no funds, they are free to use our hospitals and our other facilities.

Furthermore, if they can get the money to go back or perhaps even to go to Canada with the signature from almost anybody with whom they have permanent employment, then they are granted permanent visas. I had never heard of such a thing. I was amazed to think that in this way all our immigration qualifications are being bypassed. I think that is something that should be halted immediately.

The CHAIRMAN. Thank you.

Dr. George S. Counts is scheduled as our next witness.

#### STATEMENT OF GEORGE S. COUNTS, VICE CHAIRMAN OF THE LIBERAL PARTY OF NEW YORK STATE AND PROFESSOR OF TEACHERS COLLEGE, COLUMBIA UNIVERSITY

Dr. COUNTS. I am Dr. George S. Counts, vice chairman of the Liberal Party and I am a professor at Teachers College, Columbia University.

I am testifying here on behalf of the Liberal Party of New York State. I have a prepared statement which I should like to read.

The CHAIRMAN. You may do so.

Dr. COUNTS. My name is George S. Counts and I speak on behalf of the Liberal Party of New York State.

I should like first of all, to compliment the members of this Commission on their decision to hold the series of hearings in various parts of the country in an effort to ascertain the wishes and will of the American people. Permit me also to express my deep thanks to the Commission for this time which you have afforded the Liberal Party to present its views on the subjects of immigration and naturalization.

It is shameful that the Eighty-second Congress saw fit to adopt the McCarran-Walter bills as the Immigration and Naturalization Act of 1952 (Public Law 414). The Liberal Party opposed the McCarran-Walter measures and we suggest it would serve the interests of our country best if Public Law 414, which resulted therefrom could be repealed at the earliest possible moment. I know how crowded your schedule has been today so I shall not address myself to the innumerable deficiencies and inequities of Public Law 414. Instead, I offer for the record of the commission a copy of the testimony of the Liberal Party which was given at the joint Senate and House committee hearings on the McCarran-Walter bills in March 1951. This statement sets forth our specific objections to the restrictive and discriminatory provisions of the McCarran-Walter proposals. These objections were not met by Public Law 414 and they comprise the basis for our urging its repeal.

Because it is basic to all else in the area of immigration, I shall use my time at this hearing to speak of the roots of our immigration law, namely: the present American philosophy and attitude toward immigrants and immigration which pervades and colors our immigration policy and law.

Since 1875, our immigration laws have been more and more restrictive in character until we enacted the worst of the lot up to that time—the admittedly unjust and undemocratic Immigration Act of 1924 with its racist and discriminatory national origins quota system as a formula for the admission of immigrants. Moreover, the evils of the 1924 law have been retained and expanded in the Immigration and Naturalization Act of 1952. These laws, with the exception of the grudgingly adopted Displaced Persons Act, the repeal in 1943 of the Chinese exclusion acts and those which provide for qualifications of health and morals—have all been premised upon an antialien philosophy—an attitude of fear and suspicion of the foreigner and the immigrant. Despite the gigantic contributions made to our Nation by immigrants and their descendants, the clear emphasis of our immigration policy has been, how can we keep these unwanted foreigners from invading our country like hordes of locusts, rather than, how can we best integrate these potential new Americans whom we need to freshen the national blood stream and to strengthen our economy with their skills and talents. To make matters worse, this xenophobic approach to immigration seems to have become so completely accepted in Federal legislative circles as to appear to be sacrosanct. It is high time this irrational acceptance of a bad policy be publicly challenged.

The Liberal Party believes that an evil does not become good with the passage of time nor does a wrong right itself merely by virtue of its public acceptance. We recognize that our policy of antagonism and distrust of immigrants, while it was unjustified and bad for the situation in 1924, resulted from the reactionary political climate of that day. The early twenties was the time of a post World War I isolationism and the period when the Ku Klux Klan was at the height of its power and was poisoning the public mind with its spewings of bigotry and group prejudice.

To have reaffirmed this undemocratic philosophy in 1952, as was done in our opinion by the passage of Public Law 414, compounds the error since it goes directly counter to all we have since learned about the theories of “race” and “blood,” counter to our foreign policy, counter to the manpower needs of our country, and counter to our international position of prestige as the leading democracy of the world. The early fifties is a time when, except in the minds of a few antideluvians, we have long renounced isolationism as a way of international life. Of course, we hope that’s true. Racial and religious bigots and demagogues are no longer acceptable to our society. Of course, we hope that’s true. Today we are in a state of defense mobilization against the threat of Communist imperialism with American youth battling in the Communist-inspired Korean war as evidence of the grave seriousness of that threat. In other aspects of our foreign policy we have recognized that if we are to ward off this real danger of totalitarian world domination we must win every possible ally to the democratic cause in Asia, in the Middle East and in Europe.

In this sensitive and complex international situation, the anti-foreigner immigration policy of the United States which is made manifest in our immigration law, is far more serious than the limited numbers of immigrants we admit under that shameful policy. It is doubtful that the Asian, East European, and Middle Eastern peoples can hear our protestations of friendship for the noise we make in our immigration debates in which these same people are tagged as racially inferior and unworthy of equal treatment with those whom we have unscientifically honored as "Anglo-Saxon" and "Nordic."

As we of the Liberal Party see it—aside from considerations of humanity, justice, and mercy, which alone should be sufficient, but apparently are not, motives of national self-interest dictate a complete overhauling of our immigration policy, even if the numbers we can admit must be limited by our capacity to absorb, a limitation which reasonable people throughout the world will understand as they understand the limitations for reasons of health and morals. Such a modernization of our attitude toward immigration would promptly bring about the elimination of all the objectionable features of our present immigration policy with comparable changes in our immigration law.

We should approach the subject of immigration in a spirit of warmth and trust of the newcomers. American interests would best be served if we cast aside completely the insulting national origins quota system with its unjustifiable chasms between the unneeded large quotas for western European countries on the one hand and the offensively small quotas for the countries of eastern and southern Europe, Asia, and the Middle East, which so sorely need the fullest extent of relief which can be afforded through emigration.

Similarly, the discriminations in our present law against colored colonials of the West Indies and those who are wholly or by one-half ancestry from the "Asia-Pacific triangle" also would be abolished.

Under such a fresh and wholesome approach to immigration, permanent-resident aliens and naturalized citizens—except for cases of fraud or illegal entry—would no longer be subjected to the archaic and anachronistic penalty of deportation which also should be eradicated from our immigration laws. Naturalized citizens and resident aliens are, as they should be, subject to the same penalties for criminal offenses as native-born citizens. When they become mentally ill they are institutionalized, as they should be, in the same way that native Americans are treated when such misfortune strikes them. Naturalized citizens and law-abiding resident aliens should be assured the rights of fair play, due process of law, and civil rights no less favorable than those of native and natural-born citizens.

Such a friendly philosophy regarding immigration would necessarily bring about provision for adequate review and appeal procedures in visa and immigration cases, so sadly lacking in our present immigration law.

Such a proimmigration policy or friendly immigration policy would also have a great constructive impact upon the pressing problems of the many in Europe who still find themselves dislocated as a result of World War II; the courageous who manage at great risk to escape from those countries which are in the grip of the Communist terror and the many millions of the world's surplus populations. I myself have talked to many of those peoples and know something about the

hardships and sufferings through which they have gone. Of course we weren't responsible for those but we might have alleviated them somewhat.

Without the odious national origins quota system we would find that within the total allowable ceilings there would be room for a solution to the socially explosive situations which are now so easily exploited by world-wide communism. In a decent and humane basic immigration law, drawn in keeping with the new philosophy, provision would be made, in the cases of the dislocatees and escapees, for the admission of our fair share through special legislation, along the lines of the Displaced Persons Act. A humane American immigration policy would also greatly influence the United Nations and other international channels through which the world-wide problem of surplus populations must be resolved. But, even as regards this universal problem, which does not lend itself to solution through immigration or other unilateral action by the United States, at least token relief could be given through our immigration laws to a few countries such as Italy, Greece, and the Netherlands where the surplus populations problem is particularly pressing and thus providing a fertile climate for the cancerous growth of communism. I think that token recognition would have great moral value.

The Liberal Party believes that only complete revision of present immigration policy and laws will make it possible for the United States to maintain its destined role as a leader among the free and truly peace-loving nations of the world and I am confident that most Americans share our views. The Liberal Party sincerely trusts that in its report, this Commission will recommend such a new official approach to American immigration policy with such new legislation as will bring our immigration and naturalization practices into line with our international responsibilities, our domestic man-power needs, and our democratic professions.

I should now like to insert in the record a copy of the statement by Jules Cohen, cochairman of the national legislative committee of the Liberal Party, submitted by the Liberal Party at the hearings of the joint congressional committee in Washington on the McCarran-Walter bills on March 21, 1951.

The CHAIRMAN. It will go into the record.

(The statement referred to is as follows:)

STATEMENT ON BEHALF OF THE LIBERAL PARTY OF NEW YORK STATE ON PROPOSED IMMIGRATION LEGISLATION, SUBMITTED AT HEARINGS OF JOINT CONGRESSIONAL COMMITTEE, WASHINGTON, MARCH 21, 1951

(By Jules Cohen, cochairman, national legislative committee, Liberal Party)

Each year, the Liberal Party develops a national legislative program and such a program has been written for the year 1951. The Liberal Party approaches all national legislation in 1951 with the conviction that our country is in an emergency situation and that the United States is confronted with a struggle for survival and for the preservation of our democratic ideals and forms. We, of the Liberal Party, believe it would be the height of folly and danger to regard the Communist aggression in Korea as a self-contained phenomenon. To us, and we urge this position upon all Americans, the Communist aggression in Korea must be understood as a symptom of and testimony to the total Soviet program of expansionism toward world domination. The immediate emergency in Korea, therefore, is only part of a far-flung sustained and continuing emergency which will prevail so long as the Soviet policy of aggrandizement prevents the world from achieving peace.

For a peace-loving nation like ours, with its long tradition of good will and assistance toward the peoples of the world, a nation which spearheaded the drive for universal peace by its unprecedentedly rapid demobilization after World War II; by taking the lead in the United Nations and by the Marshall program of assisting nations to become self-sustaining—for such a nation, it is not a casual matter to find it necessary to rearm for its own defense and the defense of the free world. Because we, of the Liberal Party, believe that only complete readiness to oppose force with force can deter aggressors from carrying out their nefarious designs, we have called for complete preparedness which should not be confined to material strength alone but which must include spiritual strength as well.

The Nation's defense and mobilization needs must receive first priority under all circumstances. At the same time, however, they must not be permitted to serve as a pretext for reactionary assault upon the social progress and the democratic values of our country. We believe that while continued progress in meeting the social requirements of the American people may be slowed by the emergency, such services must not be too greatly curtailed and in many instances can even be advanced.

The Liberal Party approaches the subject of immigration, keeping in mind the great tradition of America as a haven for the oppressed. We believe that to a great extent, the United States has become a great nation through the contribution of its immigrants. For these reasons we favor liberalization of the general immigration law, in order to provide for the admission of additional immigrants from among the free, the democratic, and the friendly nations of the world. The pressing need of our country for manpower in the present emergency is a further reason for such liberalization, in addition to the broad humanitarian grounds. We believe that the underlying philosophy and rationale of our immigration law should be that of welcoming newcomers to our shores and that provisions of an exclusionist nature should be kept to the minimum necessary for national security.

Because of these convictions we oppose the enactment of S. 716 and H. R. 2379 and urge their complete rejection. While there are some differences between the two bills and in some respects the House bill is somewhat less objectionable than the Senate version, both measures, in our considered judgment, are in effect exclusion acts and not immigration bills. In general, our objection to this proposed legislation is on the grounds that it is restrictive and discriminatory: many of its provisions are written in vague language, which we are sure would not be upheld by our courts, while still other provisions violate the civil liberties of naturalized Americans and aliens and place them in a kind of second-class status. These bills add up to anti-alien legislation. They are the kind of anti-immigration laws which should not be placed on American statute books at a time when we are preaching democracy to the rest of the world and trying to wean individuals away from their totalitarian masters and toward democracy. It must be most discouraging to genuine democrats in countries behind the iron curtain, who may wish to escape, to learn that if they should decide to take upon themselves the great risks involved, it would be useless since they could not enter the United States.

This legislation contains within itself the best arguments against its adoption. For example, the provision that the Commissioner of Immigration and Naturalization and the Administrator of the Bureau of Passports, Visas, Security and Consular Affairs, shall be native-born citizens of the United States is one of the provisions to which we object as being anti-alien. This is a gratuitous slap at our naturalized citizens which would cause irreparable harm to the prestige status of the United States as the leading democracy. There is no reason except fear for making this kind of distinction in American law between our native-born and naturalized citizens.

We find section 106 objectionable because it does away with court review of determinations of fact. We can see no valid reason for changing the present applicability of the Administrative Procedures Act to immigration and naturalization cases. The right to a review by the courts of possible administrative mistakes or abuses is too fundamental an American principle to be lightly cast aside.

The section of this proposed legislation which provides for the "Asia-Pacific triangle," unfortunately does not completely eliminate racial discrimination. It is regrettable that those responsible for this legislation, who on the one hand, made an important contribution to harmony among the races by making people of all races eligible for immigration, saw fit to destroy this great gain by retain-



ing the racist principle implicit in the provision that an alien born outside the "Asia-Pacific triangle" who is "attributable by as much as one-half ancestry to a people or peoples indigenous to the triangle" is chargeable to the quota of his ancestry or if no such quota exists, to the quota of 100 established by the bill.

Also because it is racist, we object to the provision that "immigrants born in a colony or other dependent area for which no separate quota has been established" shall be chargeable to the quota of the governing country up to the limit of 100 a year. Such a provision will not win friends or influence people among the natives of colonies and dependent areas situated in the Western Hemisphere, to whom this provision mainly applies. We believe strongly that it is in the best interests of the United States to accord nonquota status to such Western Hemisphere colonials as is accorded to the natives of all other countries in the Western Hemisphere.

Except in the interests of preserving family units we are opposed to any special system of preferences within the quota of a given nationality group as provided for in this legislation. Its net effect is further drastically to reduce existing quotas. In addition, such a system of selection is repugnant to the American tradition of equality and fair play.

That certain classes of aliens must be excluded in the best interests of the United States goes without saying. But to include among such excludable classes people "whose admissions are tantamount to a confession of guilt" of crimes involving moral turpitude provides a ground for exclusion which is so vague as to have no real substance or meaning.

The exclusionist nature of the legislation under consideration is most strikingly borne out by section 212 (a) 14 which, with certain exceptions, provides for the exclusion of aliens "if unemployed persons can be found in this country to perform such skilled or unskilled labor." This section alone might make it impossible for any immigrants to be admitted at any time. We can conceive of no circumstances under which there are not some few Americans unemployed in certain fields and to say that no aliens should be admitted unless every single citizen is employed goes to such lengths as to reinforce strongly our view that these are exclusionist and not proimmigration laws.

We are disturbed by such fine nuances as that contained in section 212 (a) 19 which would exclude an immigrant who "seeks to procure, or has sought to procure a visa by fraud or by willful misrepresentation of a material fact." Where it is proved that an alien has obtained a visa by fraud or willful misrepresentation of a material fact, we certainly agree he should be excluded. But to include in this category those who sought to procure a visa by such means ignores completely the tremendous pressures upon many dislocated people who may have made minor misrepresentations in their strong desire to escape from the shadows of a miserable existence into the sunlight of America.

It is decidedly not in keeping with the American tradition of preserving the civil liberties of all people, to attempt to enact legislation, as in this case, which would exclude "aliens who the consular office or the Attorney General knows or has reason to believe would, after entry, be likely" to engage in spying, creating public disorders, or in other subversive activities. The security of the United States can be adequately protected without resort to such vague criteria as "reason to believe" or "likely to engage."

The Liberal Party supports the intent of section 212 (a) 28, the substance of which is to exclude aliens because of their past or present affiliation with, membership in, or activity in connection with certain enumerated classes of subversive organizations, but to exempt from such exclusion, those who were involuntary members of such groups. In addition, we approve of exempting those aliens who have been actively opposed to the principles and the ideology of the group involved. This gives proper recognition to the principle of redemption of those who committed political errors in the past. As a practical matter, it would make available to the United States persons who, by virtue of their past experience, are in a position to aid our country considerably in its fight against the totalitarian menace.

It is extremely unfortunate that the approach contained in the section just referred to was not applied to the entire bill. We cannot possibly support legislation which provides, as this does in section 235 (e), that aliens who are excluded under those provisions relating to the various subversive categories, are entirely at the discretion of the Attorney General. Under this section, the Attorney General may deny any further inquiry or may order the alien to be excluded or to be deported if he is satisfied that the alien is excludable on the basis of information of a confidential nature, the disclosure of which

would be prejudicial to the public interest, safety, or security. Such wide latitude to exclude an alien "without any inquiry or further inquiry" is, we contend, contrary to our democratic practices and procedures.

Section 241 (a) (1) which provides for the deportation of any alien who "at the time of entry was within one or more of the classes of aliens excludable by law" without providing for some statutory period of limitation is to keep a person in fear forever of an offense committed long before and which might have been of a minor nature. This is both legally and morally unjust.

Another particularly objectionable section is that which allows the deportation of any alien when "the Attorney General in his discretion concludes that the alien is an undesirable resident of the United States," if the alien is convicted of any criminal offense, even a minor one, and despite the length of residence in the United States. Such far-reaching discretion and utter disregard for the ordinary decencies of recognizing degrees of crimes and extenuating circumstances are completely contrary to the democratic concept on which American law is based.

The worthy objectives of section 212 (a) 28 above referred to appear to be quickly forgotten in section 241 (a) 6, which permits deporting an alien for membership in a subversive organization or for certain types of political activity at any time after entry. It is interesting that an exception is made where the membership or political activity was stopped before entry into the United States. We cannot go along with the concept of this provision, since it clearly implies that former Communists or other totalitarians can never recant. We believe that an alien resident of our country who at one time may have committed a political error should be judged on the basis of his present beliefs and practices so long as he has clearly repudiated his earlier mistakes.

We object strenuously also to section 241 (4) (b), which provides for the deportation of an alien who "admits committing within 5 years after entry, acts which constitute the essential elements of a crime involving moral turpitude, or whose admission is tantamount to a confession of guilt of such a crime." Here is the curious situation of deporting an alien for committing an offense for which he could not have been deported at the time the crime was committed. This is an innovation which should not be written into American law.

Still other provisions of this proposed legislation are bad in that they are written in vague and broad terms or invade the right of privacy. For example, the provision that the Attorney General can declare an alien deportable if he is satisfied that the alien "has failed or refused to fulfill his or her marital agreement made for the purpose of procuring his or her entry as an immigrant." What criteria might be used to make such a determination is nowhere clarified. Or the provision which makes certain classes of aliens deportable even if the alien had entered the country before the enactment of this legislation or that the acts, utterances or other evidence by which he is adjudged to belong to such a class, may have taken place before the law was adopted. This clearly is an *ex post facto* law, the enactment of which is prohibited by our constitution. In addition to being unconstitutional, such legislation is un-American and should not be adopted.

There are additional objections which the Liberal Party has to the various sections of the legislation under consideration which deal with the suspension of deportation, but in the interests of time, we will forego a discussion of these items which are minor only by comparison. However, section 287 (a) 1 is worth special mention. This is the section which would permit any officer or employee of the immigration and naturalization service, without warrant, "to interrogate any alien or person believed to be an alien as to his right to be in the United States." We believe it would be shameful to give immigration officers and employees the right to barge into the homes of aliens at any time and place aliens in the position where they would never be secure in their homes. This again is not in keeping with the American tradition of respect for an individual's privacy as well as his person and disregards completely the civil rights of the alien.

The Liberal Party believes that there is a real need to revise the general immigration law of our country, but only if such revision of the law will be in the direction of liberalizing existing legislation; removing all remaining forms of discrimination and continuing to add to our national strength through the continued infusion of new blood via immigrants who will in the future make as sizable a contribution to the welfare of our country as immigrants have made in the past. The Liberal Party of New York urges the enactment of amendments to the present immigration law or the enactment of an omnibus immigration bill which will:

1. Make provision for utilizing unused portions of quotas. The facts are that in no single year has the full total of 154,000 immigrants been admitted to the United States. At the same time, the record is equally clear that, in countries which have small quotas, there are many more applicants for admission to the United States than can ever hope to come in under the present law. In this connection, we should keep in mind the effect of the mortgaging of quota provisions of the Displaced Persons Act. We support the principle of forming a common pool of the unused portions of quotas and making this pool available to other qualified immigrants without regard to national origin so that up to the number of 154,000, the maximum allowed for, those who wish to enter the United States as immigrants and who otherwise qualify may be able to do so.

2. We urge that any immigration law should be drawn with due regard for the civil liberties of aliens who should never be relegated to a kind of second-class citizenship, but who should enjoy the same privileges, as well as responsibilities, as those which are enjoyed by American citizens.

3. We urge legislation which will provide for maximum review by the courts of judicial as well as administrative rulings. The retention of proper safeguards and adequate opportunities for judicial review we consider to be fundamental.

4. Such legislation as may be enacted should not be *ex post facto* in nature and must include adequate provision for statutes of limitation which can be of length sufficient to insure that no one shall quickly escape punishment for his crimes, but at the same time insuring that one need not live in eternal fear of some offense, minor though it may have been, which was committed in the distant past.

5. We are opposed to the principle of selective immigration in the general immigration law, and we believe that the Nation's manpower needs can be adequately provided for in connection with the pooling of the unused quotas as hereinabove suggested.

6. Finally, we would suggest that the use of the 1920 census as the basis upon which to determine quotas should be discarded and a later census period used. The 1920 census is no longer a realistic basis inasmuch as it does not take into account the tremendous movements of populations in the intervening period of 30 years. We urge and support a change to the most recent census period available.

We submit that in this twentieth century, psychological warfare is of equal, if not greater, importance with military warfare. Having assured our internal security against espionage, sabotage, and subversion, we must thereafter maintain the open-door psychology and look toward immigrant Americans with warmth, cordiality and without fear, antagonism, or suspicion. Such an approach to the question of immigration will deny to the Communist totalitarians the comfort and propaganda ammunition which they pounce upon and exploit to the fullest when we adopt or even consider the adoption of exclusionist, restrictive, and discriminatory legislation. We have grown strong through the open-door policy and can grow stronger yet by reviving this immigration philosophy which has been dormant since 1924. We shall defeat the totalitarianism of communism as we defeated the totalitarian evils of nazism and fascism. Our task in this regard will be made easier so long as we remain unafraid and are without suspicion of the loyalties of our new as well as old Americans. We are convinced that, in connection with immigration as with all other aspects of our national life, proper security measures can be adopted without resort to repressive measures or actions through which we may defeat ourselves by losing or by giving up the very democratic concepts and ideals we hold so dear and which we are fighting so hard to preserve.

MR. ROSENFELD. Dr. Counts, as an educator would you care to comment upon your own judgment as to the assimilability of groups within the ethnic composition of our country?

DR. COUNTS. Yes; I would be glad to comment on that, and I want to say I have given in my life quite a little attention to the migration to this country from colonial times, and I know something about the various elements that have come over and something of the difficulties of adjustment.

Of course, to the extent that the cultures are different, the problem is more difficult, in my opinion; but I do not believe that there are any insurmountable difficulties there. That is, it is an educational problem,

and we have faced, in the public schools of this country—I think not all together intelligently through all these years—this problem of assimilation and integration of these new elements into our society. But as I look back over the history of immigration, I find that a new immigration group, no matter where it comes from, is likely to encounter great hostility.

Take when the Scotch-Irish came over. They are really Scotch from the north of Ireland as you know, and way back in the early eighteenth century, why they were greeted by those already here with a great deal of hostility, and so it has been with other groups as they have come later.

Of course, most immigrant groups—that isn't all together true today—but most of the immigration to this country has been composed of the poor, and often the very poor, as well as people who have suffered political and religious discriminations of various kinds, and that continues down to this time. There are many Americans today who think that when their ancestors came over in the eighteenth century or the seventeenth century that they were very different from those that come over today. I don't think the record bears that out.

As I was just telling my friends on the way down, according to the studies that have been made the migration to this country during the colonial period was composed overwhelmingly of bond servants; that is, people who couldn't pay their passage. And so it has always been, for the most part, in the migration to this country.

Of course, at this time because of the upheavals on the other side of the world, and the totalitarian menace a few years ago, it was a menace of fascism in its various forms, and now it is a menace of communism, why under these conditions, of course, many, many people from those countries that represent a high level of education in those countries have come over and are coming over. Of course that always happened, as we all know, at other times when some particular element was persecuted on the other side, or in the case of a revolution, that is, a good many of the cavaliers, there weren't a great many who came over, but a great many people in all parts of the country like to think they are descended from the cavaliers; that is, during Cromwell's time. A few such people came over then, and during the French Revolution and the Russian Revolution of 1917 and thereafter.

But coming back to your question, there is a problem of course. There is a problem of assimilation, of adjustment, and that is an educational problem. By the way, I wish that you might make some recommendations to stress the importance of recognizing this maybe more intelligently than we have heretofore in our public education program. On the whole I think the public school has done a pretty good job, but I think that oftentimes the teachers in the community haven't been too friendly in the introduction of the children in the community through the school.

The CHAIRMAN. How would you meet this educational problem that you mentioned?

Dr. COUNTS. Regarding the educational problem involved, I know that what is possible in the schools depends upon the sentiment of the community and what the community wants, and, therefore, if you are going to make changes or change your schools you have to begin with the adults in the community; that is, it is a problem of adult

education. Of course there has developed since the enactment of the national origins quota system in 1924 in this country quite a flourishing adult education movement, and it would appear to me that this is the kind of a question that this movement might really concern itself with much more than it has. I don't like to let these important issues be decided altogether in terms of partisan politics. If we could build a base through a program of adult education, touching these questions, I think that that would be. Probably that is the only way that you can go about it.

Commissioner O'GRADY. Has your university done anything regarding this educational problem you have been discussing?

Dr. COUNTS. We are doing one thing at Columbia that's rather interesting, it seems to me, along this line. We have what we call a civic education project. It has been running now for about 3 or 4 years. That is designed to improve the teaching of citizenship in the schools of the country, and we have established connections now, I think, with, oh, 100 cities, communities, over the country, and of course this question of the relations of the different peoples it composes, that is an important aspect of this program of civic education.

Certainly, there is an educational problem here. Of course, I like to think of other agencies too as bearing very heavy educational responsibilities.

Now the church is certainly one of the great educational institutions of the country. I think a labor union is a very important educational agency, or a farmers' cooperative, or a farmers' organization, and it is, I think, of these associations and organizations that Alexis de Tocqueville remarked way back in 1865, there is a very characteristic feature of American life, that these educational institutions are very important institutions and should be so regarded. Not that anybody should take them over, but the educational value of their activities should be recognized and regarded, I think, by the people working in them more so than is customary or is traditional.

The CHAIRMAN. Thank you very much.

Dr. COUNTS. I want to thank you people for allowing the Liberal Party to be represented here.

The CHAIRMAN. The Commission will stand adjourned until 9:30 a. m. tomorrow morning.

(Whereupon, at 6:50 p. m., the Commission recessed until 9:30 a. m., Wednesday, October 1, 1952.)



# HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

WEDNESDAY, OCTOBER 1, 1952

THIRD SESSION

NEW YORK CITY, N. Y.

The President's Commission on Immigration and Naturalization met at 9:30 a. m., pursuant to recess, in room 1506, Admiralty Court, Federal Courthouse Building, Foley Square, New York, N. Y., Hon. Philip B. Perlman (chairman) presiding.

Present: Chairman Philip B. Perlman and the following Commissioners; Mr. Earl G. Harrison, Vice Chairman; Msgr. John O'Grady, Dr. Clarence E. Pickett, Mr. Thomas G. Finucane, Mr. Adrain S. Fisher.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order.

Our first witness this morning will be Congressman Emanuel Celler, chairman of the Judiciary Committee of the House of Representatives. Congressman Celler, the Commission will be pleased to hear from you.

## STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK AND CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE

Representative CELLER. I am Emanuel Celler, Representative from the Fifteenth Congressional District of the State of New York in the United States House of Representatives. I am also chairman of the House Judiciary Committee.

I have a prepared statement which I should like to read to the Commission.

The CHAIRMAN. You may do so.

(There follows the prepared statement read by Representative Celler:)

OCTOBER 1, 1952.

In the complexities and stresses of the problems around us, there are far too many who choose to ignore the area of immigration and fail to see its significance and its relationship to the overriding search for peace and stability. President Truman's appointment of this Commission is an act of statesmanship which must be applauded. More, much more than most people realize, our immigration and naturalization policies affect profoundly both domestic and foreign affairs.

Reviewing our immigration and naturalization structure over the past years, it is apparent that our contradictions are showing. As we grow stronger, we grow less hospitable. And as we extend our social and political democracy, we show less and less faith in the incorruptibility of our democratic ideals. We have done this through laws which differentiate between the native-born citizen and the naturalized citizen—a distinction which has no place in a casteless society. Some of our immigration and naturalization laws, with reference to deportation and exclusion of aliens, sanction arbitrary Government action without regard to due process of law. Passports, visas, reentry permits, and all the paper paraphernalia are, in instances, withheld with no recourse for the individual to seek remedy through review by judicial action.

High immigration barriers, like high trade barriers, defeat those who erect them. It is no secret that peoples across the oceans wonder how fit we can be for world leadership when more and more we pass immigration laws based on fear, and based, moreover, on the principle that some groups of people, because of their origin, are more desirable than others. The peoples across the oceans likewise wonder that, with the money we spend abroad lauding freedom of movement, individual liberty, and urging people behind iron-curtain countries to embrace such liberty, and when they do with great courage and moral conviction so renounce and leave the iron-curtain countries, we bar their entry into the United States. Our immigration laws have pierced sharply the sensibilities of the Asiatic peoples, and then we, ourselves, wonder why their resistance is so great to our proffers of friendship.

Over 18,000 have left the iron-curtain countries and have crowded into, of all countries, those already suffering from surplus populations. We find in this problem surplus populations and escapees woven together. And if we follow that thought we find that surplus populations are related to the national-origins theory imbedded in our own immigration laws.

For example, there appeared in public print—and I am speaking in contradictions to the reasons I made before—a statement by Dr. G. J. van Heuven Goedhart, United Nations High Commissioner for Refugees. The heading in the *New York Times* said: "United States aid plan irks U. N. refugee chief; \$4,300,000 for help to those fleeing iron curtain held to 'raise false hopes.'" The special dispatch is from Geneva, dated September 18:

Dr. G. J. van Heuven Goedhart, United Nations High Commissioner for Refugees, criticized today the United States Government's program for aiding persons newly escaped from Communist countries as likely to "raise false hopes" among refugees.

This program, known as the Presidential escapee program, has \$4,300,000 behind it, drawn from Mutual Security Administration funds. According to Dr. van Heuven Goedhart, the United States agency in Frankfurt, Germany, that directs the program has informed the High Commissioner that only 20,000 refugees were likely to be eligible for help under the United States program.

There are more than 200,000 refugees under the High Commissioner's mandate. He has been unable to raise as much as \$1,000,000 from governments to provide emergency aid to refugees. The United States has not contributed to this fund.

Today Dr. van Heuven Goedhart, while expressing gratitude for all the United States has done in the past to aid distressed persons throughout the world, said that the current United States program was causing refugees unnecessary trouble by asking them to go through an elaborate new registration process. The worst



of this, he said, was that while, according to United States estimates, only 20,000 could be helped, many times this number were asked to register, and this raised false hopes.

And picture to yourself the anguish and heart-rendering scenes that must occur when we beckon to these people to come from behind the iron curtain, and at great peril they do so, and then they are rebuffed in this manner.

I spoke of overpopulated countries to which many of these refugees are repairing. I have a dispatch under the signature of Hugh Gibson, Director of the Provisional Intergovernmental Committee for the the Movement of Migrants from Europe. He says, among other things:

Italy is the country with the largest surplus population to resettle—some 3,000,000 of the estimated 5,000,000 European total. Mr. Gibson described the situation there as “highly explosive,” and said that a movement of people from Italy would greatly relieve tension and political unrest. Greece is another country with a surplus-population problem, he said, since it maintained an open-door policy to migrants during the war and found its own migrants driven back into Greece after the war.

For decades our immigration laws stated bluntly that we have room for you, dependent primarily upon where you were born. Of the total annual quota of 154,000 to be admitted under the law, 65,700 are allotted to Great Britain, 27,900 to Germany, and 17,800 to Ireland. Now, this is an old story to some of you. You have heard it over and over again, but it cannot be repeated too often. It is like a bar of steel. You have got to rub it and rub it, and rub it and continue until you make a needle out of it. We have got to keep rubbing because the disproportion of these quotas as allotted to various nations is, to my mind, just an abomination.

Every other country having a quota is accorded a quota allotment of less than 7,000. As I have said time and again before congressional committees—my own Judiciary Committee and other various committees—this startling discrimination against central, eastern, and southern Europe points out the gap between what we say and what we do. Because of this rigid quota, based on not what you are but where you were born—the accident of birth—during the 27 years the present quota law has been in effect, only 44 percent of the possible quota of immigrants have actually been admitted.

I don't want to burden you, but I do want to give you a few statistics. I want to point out that the English quota for 19 years, from 1930 to 1948, inclusive, was 65,721 a year. You multiply that by 19 and you get a permissive quota number of 1,248,000. In those years instead of using 1,248,000, what did England use? It used in all those years only 151,000 quota numbers, leaving a balance of 1,097,000 quota numbers which just went to waste, down the drain.

Look at Ireland's quota of 17,853. When you multiply that by 19 you get 339,207. In all those years only 43,000 Irishmen came into this country, which meant a waste of 296,000 quota numbers in Ireland alone.

For the overpopulated countries, such as Italy and Greece, there has been an accumulated backlog which, in Italy, for example, gave the pretext to Mussolini upon which, through aggressive action, he seized Ethiopia. Social unrest, because of lack of economic opportunities arising out of surplus population, has led in the past—and can lead in

the future—to political consequences of tragic significance in the future—to political consequences of tragic significance to world peace. It is not difficult to trace the part the United States has played in the creation of the immigration problem—a part which has in a measure contributed to world tension. We have recognized our self-serving interests in economic foreign aid planning, but we have not recognized how our self-interests demand that we use a consistent attitude applicable to immigration.

From the very beginning of our country, we have underestimated the absorptive capacity of the United States, failing to note that our periods of greatest prosperity took place in the periods of largest immigration.

It is interesting to note that figures and statistics show that those States of our Union which have the largest and the greatest amounts of aliens are the wealthiest of our States. When I say “wealthy” I don’t mean economically only; I mean culturally and spiritually as well.

Our culture is rich and varied because of this immigration, and the strength of our country lies in the skills and the intermingling of the racial strains which have given us vigor and incentive. The adoption of the national origins theory in our immigration laws has robbed us of our tradition as a country of refuge for those of religious and political persecution. It has alienated peoples and robbed us of their friendship. It has led to problems of surplus population in the less-favored quota countries and has left us open to charges of betraying the democratic faith. It has placed individual worth beneath the accident of nativity.

As you know, this national origin theory is practically parallel to Hitler’s theory of racial superiority: the *Herrenvolk* versus the Slav race. We say to the peoples of northern and western Europe, “You are the master race; you are the *Herrenvolk* race; we want you to come in; we beckon you; we give you every opportunity to come in.” In the other breath we say to the people of central, eastern, and southern Europe, “You are the Slavic race; we don’t want you; you are riff-raffs.” That is contrary to all we hold sacred and dear in this country.

You take the list of casualties that comes out of Korea. You don’t only see those names which are similar to those in the social register. You don’t see just those names which are similar to those lists of the daughters and sons of the American Revolutionary War. You find all manner and kind of names. You find names of boys who came, or whose fathers and mothers or forebears, came from southern and eastern Europe. The bombs and bullets know no racial discrimination. No, the bombs and bullets know no racial discrimination.

I was in the House in 1922 and in 1924, and the monsignor will bear me out in this regard, that when the national origins quota system was adopted it was deliberately adopted to proscribe not only southern and eastern Europeans, but also Catholics and Jews. That is the unvarnished truth. I heard it stated time and time again on the floor of the House, and I have been battling ever since to wipe out that abomination. I called it that before and I call it that now with greater emphasis.

I hope that you gentlemen in your recommendations will solidly and unanimously condemn this outrage called the national origins theory.

Go out to the baseball diamond today and witness the American pastime. What names do you find? You will find the names of Carl Furillo, Phil Rizzutto, Yogi Berra, and Andy Pafko. And what do we do with the race whence comes Joe Black and Roy Campanella and Jackie Robinson, carrying out that idea of racial superiority? We say, as we did in the McCarran-Walter bill, "You are people who happen to be of birth in the Island of Martinique or the Islands of Guadeloupe."

We say to those people who come from Jamaica and the Carribean, "We don't want you, we have no room for you. We will take your baseball players, we will let them engage in our national pastime, we even make heroes out of them in the World Series. The rest of you just have to stay behind because we set up a quota in that McCarran-Walter bill of 100 within another quota." As to Jamaica, we say that 100 of the British quota shall go to these people, and we say to those in the Island of Martinique or Guadeloupe that 100 of the French quota shall go to them. A new idea, a quota within a quota. Not being satisfied with a quota, we have to have a quota within a quota. And we say to those from Curacao that only 100 can come in under the Dutch quota.

Well, what happens to those boys whom we laud and praise? What must they say? "We are heroes today on the baseball diamond in this great national pastime. We are increasing the receipts to the magnets who own these baseball parks, but our cousins and our brothers have to stay behind."

Last year, in accordance with President Truman's message, I introduced a bill, H. R. 7376, to authorize the issuance of 300,000 special nonquota immigration visas to refugees of iron curtain countries, to persons of German ethnic origin, and to natives of Italy, Greece, and the Netherlands (countries dangerously overpopulated).

Many of you have been to Greece and Italy. I have been there and I have seen the havoc caused by overpopulation in Italy. In the United States you have but to read any newspaper anywhere in the country and you will see the desperate plight in which people operating factories are. They are going around in circles trying to get help. You have only to go to the rural areas and you can see how desperately the farmers are in need of farm labor. And here we have tremendous numbers of people willing and anxious to come in to fill those jobs, but they cannot come.

I am convinced that the enactment of such legislation would:

1. Encourage other countries to do their fair share;
2. Ease in a measure the economic tensions in overpopulated countries and so supplement the work of the Mutual Security Administration;
3. Strengthen the feeling of friendship of those countries toward the United States;
4. Prove to those people within the iron curtain countries who do get out that we meant what we said;
5. Serve the United States domestically by helping to meet the growing labor shortage within the United States;
6. Reaffirm the humanitarianism of the United States.

Unfortunately, the Eighty-second Congress did not act. If re-elected I shall reintroduce similar legislation in the Eighty-third Congress.

Finally, I look forward to the recommendations of this Commission. I am sure that you will recommend the restoration of United States liberalism in the area of immigration and naturalization.

Finally, I want to thank you for your consideration and attention this morning.

The CHAIRMAN. Thank you, Congressman Celler. In view of your criticism of the national origins quota system, what would you suggest in its place?

Representative CELLER. Well, we have to creep before we walk. Unfortunately, in the Congress you will find that water never rises above its source and usually the views of the Congressmen usually don't rise above those of their constituents. There has to be some education. We have got to keep rubbing even more whereby we can rip out of our fabric the national origins theory in toto.

I would suggest, therefore, that you recommend that it should be ripped out but you may feel, from a realistic standpoint, it cannot be done at once. Then I make this suggestion: I mention these unused quotas as a result of the disinclination of the Irish and the British to come to this country and, in many periods, the Germans. I would take these unused quotas and I would distribute these unused quotas to countries whose quotas are under 7,000 and do it proportionately. You take the proportion they have under the national origins theory and, using that percentage or proportion, divide that proportion into the unused quotas and then distribute them among those countries whose quotas are pitifully small. That will give some ultimate relief. It would increase the quota numbers from Italy and the quota numbers from Greece and Poland.

That may not be a greatly marked advance, but it would be something. I would rest with merely making that recommendation. I would say, if I were a member of your Commission, strike the whole blooming, bloody business out of your statutes, but from a pragmatic standpoint this may be one of the steps toward it.

The CHAIRMAN. Thank you very much.

Mr. Easby, will you testify?

#### STATEMENT OF DUDLEY TATE EASBY, JR., SECRETARY OF THE METROPOLITAN MUSEUM OF ART, NEW YORK

Mr. EASBY. I am Dudley Tate Easby, Jr., secretary of the Metropolitan Museum of Art, New York City. I am appearing here as an individual and also I am representing a group of foundations, museums and cultural organizations which from time to time desire to invite distinguished foreigners to come to the United States.

It is a very narrow problem that I would like to speak to the Commission about, and that is the situation where a leader in a country or a future leader is invited to come to the United States by a university or by a museum or by a learned society or even by a professional society, such as the American Medical Association or the American Bar Association. The invitation is issued and the foreigner goes around to the American consul in the local country and is turned down.

There are not many of these cases, but the number of cases, I don't think, are important because the real importance is in the publicity,

the notoriety and embarrassment that comes out of these. The Guggenheim Foundation is the only organization I know of that has made any attempt to meet this problem. There the secretary-general worked out an informal arrangement with the State Department back in 1930 and it is carried on up-to-date with varying success. They submit in advance to the Department a list of the fellows to whom they wish to make awards in foreign countries. The Department then sends those out by cable to the embassies and in time an informal clearance comes through, and in practically 90 percent or more of the instances that works out. But it is in those cases where a man is cleared and then invited, and then he goes to the consulate for a visa and is turned down that the conflicts of administration turn up.

Now there is one case in Brazil of a young boy who has been invited up here after having received an informal clearance. He was turned down cold on a visa and he went out and committed suicide. That probably did more harm to the United States locally in Rio de Janeiro than anything we might have done for years trying to alienate those people.

What I want to recommend to the Commission to consider is: Isn't there some way in your recommendations to the Executive for a regular, established administrative procedure to be set up, such as you have in the Bureau of Internal Revenue? Any taxpayer, before he enters into a transaction, can go to the Internal Revenue and get a preliminary ruling and a ruling that will stick. It will stick, of course, subject to something derogatory discovered later or if there has not been a full disclosure. But I would hope that in some way between the Department of Justice and the consular service of the State Department that a real procedure could be set up where you submitted things in a certain form and got an answer and you knew where you stood.

The CHAIRMAN. In the example you gave, why did the consul disapprove the visa application?

Mr. EASBY. He turns many down for perfectly valid reasons, but those reasons were not discovered by the persons in the embassy who gave the informal preclearance.

Now, I want to make it perfectly clear that the Department of State has said all along that these informal clearances that they give are not binding. It is a courtesy they will render to a cultural organization to try to find out about a man. In the cases where the visa has been refused, if there had been a careful examination or investigation beforehand, the organization which had issued the invitation I think would have been advised not to invite the individual. That is where the breakdown is.

Commissioner O'GRADY. Why is there this seeming conflict between the consulate and the embassy you have described?

Mr. EASBY. In my own experience I have gotten into a few of these cases and have found the consul isn't aware of the inquiry because of the routing of the inquiry through the embassies and the Department. It will come back from the embassy not signed by the Ambassador, but by the first or second secretary. The consul probably doesn't know that until the man comes in with the visa application. That is not always true.

Commissioner FISHER. Mr. Easby, in terms of considering a recommendation which leads to some form of formal preclearance which, I take it, is what you have in mind, I would be interested to see what sort of limitations you would put on that if you had a formal preclearance procedure in any situation where a person was thinking of coming on a nonimmigrant basis into the United States.

Mr. EASBY. Incidentally, the cases I am discussing are all non-immigrant cases, nothing permanent.

The CHAIRMAN. They are here for short periods?

Mr. EASBY. Yes, as a guest of either an institution or often the Government itself, in which case the Department will bring them in.

The CHAIRMAN. But sometimes it is merely to deliver a lecture?

Mr. EASBY. Yes, or maybe it is a visiting professor with a university.

The CHAIRMAN. Such as an exchange professor for a year?

Mr. EASBY. Yes.

Commissioner FISHER. Pursuing that: Should this sort of procedure be applied with any nonimmigrant or should there be some requirement of sponsorship by this cultural society?

Mr. EASBY. I don't think the embarrassment arises except where the invitation is issued from a cultural organization. I don't think the question of preclearance is important for all nonimmigrant visas because a lot of those people are coming in just as tourists or temporary visitors on their own. I don't think, though, that you could deny this right of preclearance to an individual and say you are only going to give it to organizations.

Commissioner FISHER. Do you consider it justifiable to set up a special procedure to take care of celebrities in fact?

Mr. EASBY. That is true, but it goes beyond celebrities. The Guggenheim Foundation, from whom I am going to leave a memorandum, is primarily interested in scholars and scholars on their way up, those who haven't actually arrived, so to speak. What I meant when I referred earlier to the future leaders of the country.

The CHAIRMAN. In some instances, are those invited to come over here already of world-wide significance in their particular field?

Mr. EASBY. Yes, they are the ones who receive the notoriety and ill will in general, whereas if there were this preclearance and it would work, then no invitation would be issued in the first place.

The CHAIRMAN. Do you think this embarrassment occurs frequently enough to warrant some attention being paid to it by this Commission and by Congress?

Mr. EASBY. I think so. The problem doesn't begin to compare with some problems the Commission has before it. It is a small number, but the fact that the individuals are future leaders or are leaders in their countries is where the bad will arises from, and why there is so much publicity given it. It makes a mortal enemy for the United States out of a man who has been invited and then is told he is not good enough to come in.

Frequently he will have a number of friends in this country and he is well known to his colleagues, professional men and men in learned societies.

The CHAIRMAN. In such cases, is not the consul's rejection generally based on information derogatory to the individual, such as alleged subversive activities?

Mr. EASBY. It is something that we have to face. I know Latin America better than I know the rest of the world. Students down there are notoriously conscious of politics and always in their student days they are mixed up in the political movements and parades and riots and skulls are cracked. If any one of these riots is with a particular group wherein one man is a local Communist, that gets in his dossier and I don't believe that our consulates will go behind the dossier and the local police department. Whether they should or not is not something for me to say. But it is common practice there, as it is elsewhere, to accuse someone of being a Communist when really it is a way of saying, "I don't care for the guy."

I don't want to leave the Commission with the impression that I am quarreling or that anyone I am speaking for is quarreling with the law. I would like, if possible, to see some administrative procedure set up so it could be seen whether under the law it would be contrary to the national interest to invite him.

Mr. ROSENFELD. Have any of the groups you represent expressed any opinion as to the merits of the law or its provisions in relation to these individuals?

Mr. EASBY. This is something I prefer to speak on for myself and not for anyone else. I think that the best way to take your foreigner who is hostile to the United States, particularly if he is a young man and at the impressionable stage where he can still learn, and make a friend out of him is to bring him here and let him see it. I know that from personal experience in several instances.

During the war there was a young Argentine who had naval experience. He had a German name and he had all that background of hostility, plus the hostility of the Argentine Navy at that time. After he was here for 6 months and had gone out on a couple of cruises in United States naval vessels he was an enthusiast. He was a surgeon and stationed at the Naval Medical Hospital there in Washington, and you never have heard such a chamber-of-commerce booster. That man's attitude toward this country was changed by being able to come here and be with us and see us and learn what makes this country big.

I do think, though, that this is getting beyond what I wanted to say.

Commissioner HARRISON. Does your suggestion go at all to the absence of any appeal or review procedure in the situation you described, or it is only a matter of preclearance?

Mr. EASBY. No; it is only a matter of preclearance, Mr. Harrison.

Commissioner FINUCANE. Is it your view that once this preclearance is granted it should be binding on the consul, with no subsequent review?

Mr. EASBY. If it is not binding we are right where we are today. The invitation is issued on the basis of preclearance and the award is announced publicly, and that denial of visa is announced more publicly.

Commissioner FINUCANE. For example, if the man would be normally rejected, do you think the visa should nevertheless be issued?

Mr. EASBY. I don't know. You are getting me into a corner there. I think if for any reason a diligent investigation shows that a man for some reason—well, let's say the man comes in and answers a question and says that he is a member of the Communist Party even though he does have his preclearance.

Commissioner FINUCANE. Isn't that really the trouble with these cases, that on a preclearance the man looks to be wholly admissible and then upon investigation by the consul something comes up indicating he is not?

Mr. EASBY. That is it. There has been no preclearance. There isn't what I would say an adequate preclearance. I realize this is asking a great deal of the embassies, more than they now assume to do and it might even require additional personnel. However, I can't see how it would, because there aren't enough of these cases in a year to amount to anything.

Commissioner FISHER. Mr. Easby, I take it for the preclearance to have the effect you want, wouldn't there have to be the same inquiry by some consular officers?

Mr. EASBY. There would have to be the same inquiry and I am not at all sure that the officer might not have to call the individual concerned and say that we have had an inquiry from the United States about you and there is a possibility that you may be invited to go up there. If that is the case, we want to get this cleared up now. I think you might have to do that, Mr. Fisher.

Commissioner FISHER. Would that have any adverse effect on the process?

Mr. EASBY. I don't think so. He might know who it was, I don't know. You can't be sure in a learned profession, because there is a certain amount of gossip, such as so and so is under consideration for a visiting professorship in California. I don't think it would be too bad because they would not have announced the appointment.

Thank you very much for the opportunity to testify. I have the prepared statement of Mr. Henry Allen Moe, secretary-general of the Guggenheim Foundation. Mr. Moe was unable to testify today and he would like to have his statement inserted in the record.

The CHAIRMAN. We will insert it at this point into the record.

(There follows the statement of Henry Allen Moe, secretary-general of the Guggenheim Foundation:)

The John Simon Guggenheim Memorial Foundation was established by the late United States Senator Simon Guggenheim and his wife, under a special charter granted by the legislature of the State of New York in 1925, "to promote the advancement and diffusion of knowledge and understanding and the appreciation of beauty, by aiding without distinction on account of race, color, or creed, scholars, scientists, and artists of either sex in the prosecution of their labors  
\* \* \*"

For the first 5 years of the foundation's existence, all of its grants were made to citizens or permanent residents of the United States.

In 1930, Senator Guggenheim wrote the trustees of the foundation that, "proceeding in the conviction that we have much to learn in those countries that are our elder sisters in the civilization of America and much to give their scholars and creative workers," he and his wife were increasing the endowment of the foundation to provide for a fellowship plan "to assist in increasing the interaction among the American Republics, each upon the other, in the arts and sciences, in education, and in the learned professions."

That far-seeing and typically American program in the best tradition of our country, has received official sanction from the legislative and executive branches of the Federal Government, first in the good-neighbor policy, and later on a world-wide scale in Public Law No. 402 enacted at the second session of the Eightieth Congress "to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries."

With the expansion of the foundation's activities to embrace citizens of the other American Republics, there arose the question of the temporary admission



into the United States of nonresident alien scholars, scientists, members of the learned professions, and other creative workers. At all times since the inception of its Inter-American Fellowships in 1930 the foundation has kept the Federal Government informed of its grants to citizens of the other American Republics; and in June 1942—on the occasion of the first of such grants after Pearl Harbor—the foundation's secretary wrote the Department of State:

"We have just appointed 21 Latin Americans to Guggenheim fellowships. Six of them are now in the United States but concerning the others we should be glad to have the State Department make inquiries by cable of United States diplomatic missions in the respective countries of which the fellows are citizens whether or not there be any objection to any of them. This is in accordance with what you kindly said to me the Department would be willing to do. We shall, of course, be glad to pay all cable charges.

"Attached hereto is a list of fellows appointed, classified by countries. I shall not communicate the fact of their appointment to any of them until I have heard from you."

This initiated the procedure which, in general, has been followed since that time with respect to Guggenheim fellowships granted to citizens of foreign countries not resident in the United States who proposed to come here to carry on their fellowship studies.

It is a fact, sometimes explicitly stated by the Department of State and at all times understood by the foundation, that a favorable response from the Department of State and/or from the cultural-relations officer in the country in which applicant for a fellowship is resident is not conclusive that the person will be granted a visa; for the function of granting visas is the function of consuls. In general, the informal procedure has worked well, but there have been exceptions, such as the following:

(1) A fellowship was granted to a citizen of one of the American Republics; the usual inquiries were instituted and we were told that he would not receive a visa; and, accordingly, the fellowship was withheld and was canceled. The following year the applicant renewed his application and again I inquired of the American Embassy in the country concerned whether or not the applicant would be granted a visa. The Embassy's response, by the assistant public affairs officer "for the Ambassador," was that the applicant "was cleared through the proper channels and therefore there appears to be no reason why \* \* \* (he) should not be given a visa to visit the United States." But when, the foundation, having notified the applicant of his fellowship, he applied for a visa to permit him to visit the United States, it was not granted by the consul.

(2) A fellowship was granted to a citizen of one of the American Republics; the usual inquiries were instituted and in the cases of all fellowships awarded to citizens of this particular country in this particular year, I was informed that "a regular security check" was given all of them. The fellow I now have in mind was cleared and thereupon he was informed of his award; and he accepted it. But when he went to get his visa he declared that he was a member of the local Communist Party; and, accordingly, a visa was denied to him, as it had to be under the law.

May I repeat, the procedures that the foundation follows with respect to the admission of our foreign fellows into the United States work pretty well; and I have no complaints to make about anybody's part in the procedures. But it is apparent from the few instances of the failure of the procedures that they could be bettered.

What is needed, I submit, are regularly established administrative procedures to be carried by the Department of State (similar in effect and intent to the preliminary rulings any taxpayer may secure on tax questions from the Bureau of Internal Revenue), whereby an organization proposing to give a foreigner a chance to study in the United States, or to invite him here for other cultural purposes, might, upon proper submission, find out in advance of issuing an invitation whether or not there would be any objection to such persons getting a United States visa and especially whether or not the Department of State would consider it in the best interests of the United States for him to come to this country. For assuredly neither the John Simon Guggenheim Memorial Foundation nor any other responsible organization would wish, nor would I, to invite anybody to come to the United States who might be objectionable or whose visit might be contrary to the national interest.

One purpose of the John Simon Guggenheim Memorial Foundation in awarding its inter-American fellowships is the patriotic purpose to increase understanding, on a high cultural level, between the other American Republics and the

United States. If a person will not be granted a visa, it would be better never to invite him. To permit an invitation to issue under such circumstances would definitely be to create a negative factor, contrary to the policy of our country as declared by the Congress and the Executive: it would, in fact, increase misunderstanding between the United States and the other American Republics.

The following quoted from the translation of a letter written me by a highly placed and influential scholar in the South American University, illustrates what I have just said. He was protesting the denial of a visa to one of his colleagues who had been awarded a Guggenheim fellowship after the informal procedure set forth above and had been gone through.

"You have granted a fellowship to one who deserves it, and we shall defend him until the Department of State proves to us that he is a dangerous individual, and in that case he will be as dangerous to us as to you.

"Excuse the harsh language in this letter, but it cannot be otherwise, and I am sorry to take part in something which I do not know will be rectified, but which has dimmed the absolute faith which I had in the correct behavior of the Government of your country. In the future I shall not recommend anyone for any fellowship, and you will excuse me for not wishing to find myself mixed in anything so disagreeable."

It is clear that, from the point of view of our national interests, it would have been much better had the fellowship never been granted to the referred-to scholar, as it would not have been had there not been a failure of the procedures in this instance.

It should be added that, of course, the foundation itself makes all reasonable efforts to ascertain whether or not any prospective grantee would be objectionable as a visitor to the United States, but we know—what is evident—that we do not have the facilities for investigating prospective grantees from the point of view of visa clearances that each American Embassy has. In addition to our desire not to grant fellowships to foreigners who would be objectionable as visitors under the laws and declared policy of the United States, we also are realists and understand that when an organization, as ours, grants fellowships to enable foreigners to study in the United States, the purpose of granting fellowship fails utterly if the grantee is not admitted to the United States for such study.

I do not wish to presume with suggestions as to how or by what machinery such procedures as the Guggenheim Foundation follows with respect to foreign grantees might be formalized and made failure-proof. That, I understand, is one of this Commission's responsibilities under the Executive order establishing it. I do submit with all earnestness, that in the world as it is, it is important that every effort be made to make them failure-proof. Although the number of persons affected by the question raised in this memorandum may be small, they are likely to be persons whose failure to obtain a visa may be, and sometimes is, made a cause célèbre—to the detriment of the United States.

The CHAIRMAN. The next witness will be the representative of the International Rescue Committee.

#### STATEMENT OF STERLING D. SPERO, MEMBER OF THE BOARD OF DIRECTORS, INTERNATIONAL RESCUE COMMITTEE

Professor SPERO. I am Sterling D. Spero, professor of Public Administration at New York University, and I am here representing the International Rescue Committee, 62 West Forty-fifth Street, New York, of whose board of directors I am a member.

The International Rescue Committee is an organization which has for a long time been engaged in the relief and rescue of victims of totalitarian persecution. Our committee has a formal statement and I just wish to comment briefly on the points made in that formal statement. The statement was prepared in behalf of the committee by Mr. Leo Cherne, a colleague of mine on the board of directors of the committee. He was to have testified, and I am testifying in his stead. It represents the views of the committee.

The CHAIRMAN. The statement will be received in the record.  
(The statement follows:)

STATEMENT OF LEO CHERNE, MEMBER OF THE BOARD OF DIRECTORS, INTERNATIONAL RESCUE COMMITTEE

I would like to address myself to two issues which the organization for which I am speaking considers of great importance within the framework of the stated purpose of these hearings, i. e., the question of "what our immigration policy, law, and procedure ought to be." However, by limiting my statement to two specific issues, I should not omit going on record in favor of, in general terms, a liberal immigration policy not based on the dated concept of "national origins" and in favor of specific emergency legislation for displaced persons and refugees from totalitarian oppression.

The first issue, which transcends in its impact the limited application it may find in our country due to our geographic separation from the areas under direct Communist control, is the "right of asylum."

The United States, I believe, is one of the few truly democratic countries that does not contain in its body of laws a provision granting asylum to victims of political, religious, or racial oppression. It has unfortunately been the short-sighted policy of our immigration authorities to make short shrift of applications of refugees, illegally in this country, to not be deported to the countries from which they originally fled—the countries behind the iron curtain, Communist China, Tito's Yugoslavia, or Franco Spain—and I have reason to believe that quite a few refugees have actually been deported to these countries during the past year. While the number of those deported has not been made public, we know of a good many cases that have reached the courts in habeas corpus proceedings, and I should mention here that the courts, as a rule, have sustained those writs.

In the absence of any positive legislation on the right of asylum, refugees fighting their deportation to totalitarian countries could avail themselves only of a provision of the Internal Security Act amending section 20 of the Immigration Act of 1917, which reads as follows:

"No alien shall be deported under any provisions of this act to any country in which the Attorney General shall find that such alien would be subjected to physical persecution."

Since the enactment of this provision the Immigration and Naturalization Service has consistently held that (a) an alien who makes a claim that he would be subjected to physical persecution in the country to which he is to be deported "is not entitled to a full and complete hearing" with reference to such claim, (b) that any evidence he may submit in support of his claim "is not the proper subject matter of a Federal hearing," and that (c) "at best, a governmental official in such a case must exercise his individual judgment which would hardly be the subject of judicial review." I quote from Mr. Shaughnessy's brief in the Chon Ping Zee case which was decided by Judge Dimock in favor of Chon Ping Zee.

The attitude of the Immigration and Naturalization Service had led to many tragic instances which I do not intend to detail here. The situation is likely to become even more critical when the Immigration and Naturalization Service Act of 1952 becomes effective (December 24, 1952) since in the new act the original language of the Internal Security Act was watered down to read:

"The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason."

This wording, one may be permitted to conjecture, meets the desire of the Immigration and Naturalization Service to make more difficult the intervention of the courts. It definitely does not meet the desiderata expressed by President Truman in his message to Congress on June 25:

"Our immigration policy is equally \* \* \* important to the conduct of our foreign relations and to our responsibilities of moral leadership in the struggle for world peace.

"\* \* \* we want to stretch our helping hand, to save those who managed to flee into Western Europe, to succor those who are brave enough to escape

from barbarism, to welcome and restore them against the day when their countries will, as we hope, be free again."

Neither does it conform to the sentiment expressed by General Eisenhower in his speech before the American Legion in New York when he said:

"Never shall we desist on our aid to every man and woman of those shackled lands who seeks refuge with us, any man who keeps burning among his own people the flame of freedom or who is dedicated to the liberation of his fellows."

What is needed is legislation embodying the concept of asylum to replace the negative authorization granted the Attorney General "to withhold deportation to any country in which, in his opinion, the alien would be subject to physical persecution." We know too well that the authority of the Attorney General is delegated to the Immigration and Naturalization Service and that his "opinion" tends to be the opinion of an investigator who has instructions to give preference to the requirements of administrative expediency as against the basic humanitarian need.

The right of asylum, the right not to be deported into the hands of a Communist or Fascist state police, is an elementary human right. The whole civilized world has been applauding the uncompromising stand of our Government in refusing to return to North Korea those Korean and Chinese prisoners of war who have chosen not to go back. What we actually did was to grant these prisoners of war the right of asylum. Nobody should be permitted to compromise this great manifestation of American moral leadership by petty bureaucratic considerations.

The second point which, we feel, deserves consideration in the work of the President's Commission pertains to one of the exclusion clauses of our extant immigration laws.

The Immigration and Nationality Act of 1952 is very specific with regard to Communists and pro-Communists, and its authors should be commended for that. It seems to us, however, that the act is rather magnanimous with regard to other totalitarians, to wit, Nazis, Fascists, Falangists, etc., or any person who advocated or assisted in the persecution of any person because of race, religion, or national origin. We should not, and I hope we do not, welcome anti-Semites to our shores.

All I can find in our immigration laws with regard to totalitarians of the right is a general provision declaring inadmissible people who are or, at any time, have been members of any other totalitarian party than the Communist Party. Yet this proper general provision is completely vitiated by the Immigration and Nationality Act where it says that a "totalitarian party" means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism.

The decisive words are, of course, "in the United States." No present or former Nazi or Fascist or anti-Semite will admit he, or his party, advocates a totalitarian dictatorship in the United States. They all will insist that their ideology was not meant for export, as Mussolini once said, and that the totalitarian governments of their countries did not wage war on the United States in order to establish a totalitarian dictatorship here. The probability cannot be excluded that the regulations which are being prepared for the administration of the Immigration and Nationality Act, in keeping with the restrictive definition of section 101, will all but give a general pardon to Nazis, Fascists, anti-Semites, and rabble rousers.

If this interpretation should stand, nothing but a new definition of the words "totalitarian party" could keep our democracy from an influx of people who, by voluntarily joining a totalitarian party, have helped to immerse our world in the holocaust of World War II. A former Communist applying for admission to the United States must prove that "(a) since the termination of such membership or affiliation, such alien is and has been, for at least 5 years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien to the United States would be in the public interest." Let the same criterion apply to totalitarians of the right.

All of us, I should like to say in conclusion, are in favor of liberal immigration provisions. But this position of ours is predicated on our belief in a humanitarian democracy and its best interests. Laws and procedures which are detrimental to the democratic way of life are detrimental to a liberal immigration approach for which I have been a witness.

MEMORANDUM ON THE ADMINISTRATION OF THE "CLAIM OF PHYSICAL PERSECUTION"  
CLAUSE OF SECTION 23 OF THE INTERNAL SECURITY ACT OF 1950 AMENDING SECTION 20 OF THE IMMIGRATION ACT OF 1917

(1) Section 20 of the Immigration Act of 1917, as amended, contains the following provision:

"No alien shall be deported under any provisions of this act to any country in which the Attorney General shall find that such alien would be subjected to physical persecution."

Since the enactment of this provision the Immigration and Naturalization Service has consistently held that (a) an alien who makes a claim that he would be subjected to physical persecution in a given country "is not entitled to a full and complete hearing" with reference to such claim; (b) that he may submit evidence concerning his claim but that such evidence "is not the proper subject matter of a Federal hearing"; (c) that "at best, a Government official in such a case must exercise his individual judgment which would hardly be the subject of judicial review."<sup>1</sup>

(2) The rationale of the position of the INS was spelled out by the Service as follows: "This law was solely intended to benefit particular aliens who were obviously trying to assist the United States in strengthening its bulwarks against communism and the threat of Communist aggression."<sup>2</sup>

The type of evidence as to likelihood of physical persecution which the Service would consider probative was defined in one instance as the "authenticated copy of a person's death sentence."

In most cases which until now have come up at bar, the courts have not gone along with the position of the Service. Judge Dimock, in *Chen Ping Zee v. Shaughnessy*, decided that a deportee claiming physical persecution is entitled to due process and hearing and that there must be a reasoned decision and a finding of fact. A claim that a person could be subject to persecution in a Communist country cannot be dismissed lightly, he wrote, and though it is difficult to believe that the Service does not agree with this dictum, his decision was appealed, and the case is now pending in the circuit court.

(3) Pending a ruling on the INS appeal, the Service has been proceeding with the deportation of detainees in deportation cases and of all aliens in exclusion cases. While there is no reason to object to the return of excluded aliens to their countries of departure if such a country is not a Fascist or Communist country, the differentiation between exclusion and deportation seems to be more than tenuous if an alien excluded is returned to the country from which he fled for political, racial, or religious reasons because the country from which he came to the United States cannot be prevailed upon to accept the alien back. To have fled, i. e., left illegally a Communist or Fascist country for political or religious reasons, is in itself a crime in all totalitarian states. No United States official can in good conscience submit that a person falling into this category of refugees would not be subjected to physical persecution upon return. At this stage of the cold war no "investigator" can plead ignorance as to the likely treatment accorded to defectors behind the iron curtain or in Communist China, Yugoslavia, or Spain. And it actually is upon the recommendation of an investigator that the Commissioner, acting for the Attorney General, finds that an alien would not be subjected to physical persecution.

(4) It is not known how many people who have made bone fide claims that they would be subjected to physical persecution in China, the countries behind the iron curtain, Yugoslavia, or Spain have been actually deported to these countries. Most of the people whom the Service cannot deport but to the countries of their birth or nationality are illegally in the United States. They are frequently repeaters who had been picked up by the Service previously. The proceedings against them tend to be summary, and deportation takes place on very short notice.

The cases described below are pattern cases. They cover three different situations that this writer has come across during the last few months:

(a) Wladyslaw Michalski is a Polish DP who entered the United States illegally. He is one of the group of Polish DP's who were resettled by the National Catholic Welfare Conference in Mexico. He had been deported to the Soviet Union in 1939, was amnestied in 1941 to join the Anders Army, in which

<sup>1</sup> Quoted from Shaughnessy's brief in the *Chen Ping Zee* case.

<sup>2</sup> *Ibid.* The legislative history of the Internal Security Act does not seem to bear out the restrictive interpretation of the Service. The law, moreover, speaks of "any country," not of countries under Communist control.

he served until 1945. He refused repatriation to Poland after the war and was granted refugee status.

The file of Mr. Michalski contains an affidavit executed by Miss Irene Dalgiewicz, who was in charge of the Mexican project of NCWC, and a letter of Mr. Bruce M. Mohler, of NCWC, which are both explicit and detailed. His representative entered a notice of appearance and requested a hearing at which Mr. Michalski's claim of physical persecution in Poland could be substantiated. He was, however, unable to secure a copy of the record, no special hearing was scheduled, and he was not advised that Michalski was to be put on a plane on June 17. Michalski himself was informed of the scheduled deportation to Poland about one-half hour before his removal from Ellis Island.

Upon arrival at the airport, Michalski tried to commit suicide, an attempt qualified by the Service in the later court proceedings as "several superficial scratches." He had to be taken to a hospital, and subsequently a writ of habeas corpus was sworn out.

Judge Murphy, in his decision, did not enter into the question whether the alien involved is entitled to a special hearing on his claim of physical persecution. He sustained the writ on the ground that "in two respects the hearing upon which the administrator's determination based in this case departs from rudimentary requirements of fairness."

To summarize the essence of this case; Mr. Michalski was not accorded at any time a special hearing on his claim of persecution. The fact that he is a political refugee, the fact that he is a protege of the NCWC, the fact that he was previously persecuted by the Russian State Police, the fact that he had refused repatriation to Poland, the fact that he is a staunch anti-Communist, the fact that former members of the Anders Army who refused repatriation are on the index of the Polish Bezpieka, which is in practical terms a branch of the NVD, this cluster of facts as well as the affidavits of Miss Dalgiewicz and Mr. Mohler of the NCWC were classified by the Service as "no evidence establishing that Michalski would be subjected to physical persecution if deported to Poland." The finding of the Commissioner, in turn, is based on a hearing that, in Judge Murphy's words, "departs from rudimentary requirements of fairness." If not for his suicidal attempt, Michalski would have been deported on June 17 to Poland and most probably would by now be a prisoner of the Bezpieka.

(b) Francisco Pau Molina is a "certified" Spanish refugee who entered the United States illegally. On May 1, 1952, he was to be deported to Franco Spain. Mr. Ugo Carusi interceded on his behalf with central office and the deportation was stayed at the very last moment. Subsequently, a hearing before an investigator was granted to Pau Molina and at this hearing he was represented by counsel. The evidence he submitted in behalf of this refugee were (a) proof of Spanish Republican refugee status granted by the International Refugee Organization (b) a statement of the French Ministry of Foreign Affairs that Mr. Pau Molina was classified by the French Government as a Spanish political refugee, (c) documentation on the vindictive and political character of court proceedings before Franco judges.

The investigator's report to the Commissioner, however, failed even to spell out the nature of this documentation. On the basis of Molina's membership in a Spanish State Youth Organization, which predated his flight from Spain and was mandatory in order to secure employment, and on the basis of a Spanish national passport which he obtained in order to be able to ship out as a seaman when faced with deportation from the United States, the Commissioner ruled that he would not be subjected to physical persecution if deported to Spain. As if the INS did not know that the State Department had ruled repeatedly that possession of a Soviet passport taken out by refugees in China and possession of a Polish passport taken out by refugees in Sweden are not per se proof of such refugees' claim to bona fide refugee status.

Mr. Pau Molina's case is now pending in the United States district court of New York. If not for Mr. Carusi's intervention, however, he would have been deported to Spain without a hearing on May 1, 1952.

(c) Mr. Svata (Leskovich) Kojich is a Yugoslav displaced person who emigrated to Canada from Italy as an IRO DP and later came to the United States illegally. He was accorded no hearing on his claim of physical persecution, and March 21 he was to be deported to Yugoslavia. He slashed his wrists at the pier, and only thereafter, when a reporter of the New York Times showed considerable interest in his case, was he accorded a hearing

at which he had no difficulty in proving his DP status as well as his legal admission to Canada. He was returned to Canada in June 1952.

Again, if not for his attempt at suicide, he would have been deported to the country from which he fled, and one has no reason to doubt that he would by now be confined in a Yugoslav forced labor camp.

(5) The three cases described above were gone into in detail so as to illustrate the baneful implications of the attitude adopted by the Immigration and Naturalization Service. It is a strange contradiction that in any routine exclusion case there is available an orderly hearing procedure with appeal possibilities and all other aspects of due process, whereas in the one category of cases in which an erroneous adjudication may well be a matter of life and death for the alien in point, the Service has adamantly refused to grant full and complete hearings.

One common denominator of all three cases outlined above is that actual deportation to a Communist or Fascist country was prevented at the last moment by some unusual and/or drastic action, as though the price of nondeportation were an attempt at suicide.

It is difficult to bring this attitude of bureaucratic expediency into agreement with the programmatic denouncement of our Government as expressed in President Truman's message to Congress of June 25 in which he stated :

"Heretofore, for the most part, deportation and exclusion have rested upon the findings of fact made upon evidence. Under this bill, they would rest in many instances upon the 'opinion' or 'satisfaction' of immigration or consular employes. The change from objective findings to subjective feelings is not compatible with our system of justice."

"Our immigration policy is equally \* \* \* important to the conduct of our foreign relations and to our responsibilities of moral leadership in the struggle for world peace."

"\* \* \* we want to stretch our helping hand, to save those who managed to flee into western Europe, to succor those who are brave enough to escape from barbarism, to welcome and restore them against the day when their countries will, as we hope, be free again."

The same sentiment was expressed by General Eisenhower :

"Never shall we desist on our aid to every man and woman of those shackled lands who seeks refuge with us, any man who keeps burning among his own people the flame of freedom or who is dedicated to the liberation of his fellows."

(6) The United States is one of the few democratic countries that legally do not know the concept of asylum. The physical persecution clause of section 20 is the only provision of our laws which, at least in a negative way, safeguards the rights of political refugees.

It is all the more important that strong recommendations be made at proper level with regard to this matter because the Immigration and Naturalization Act of 1952 the original language of the Internal Security Act was changed to read :

"The Attorney General is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason."

This wording, one may be permitted to conjecture, meets the desire of the Immigration and Naturalization Service to make more difficult the interference of the courts. But even this language is amenable to coverage by regulations, the equitable minimum requirements of which would be full and complete hearings, a finding of facts, a reasoned decision, and an opportunity to appeal the decision of the hearing officer. The continuation of the present practices may well create an issue transcending the scope of administrative parochialism.

Professor SPERO. I just wanted to comment briefly on that statement. There are two aspects of preimmigration policy which the committee would like to see revised: (1) in the direction of liberalization and (2) in the direction of further tightening restrictions.

On the first point, we would like to see a positive declaration of public policy declaring the privilege of asylum of victims of totalitarian pressure. The proposition or privilege of asylum is something which is part of the American tradition. Every child in school knows

the way Kossuth, the great Hungarian democrat, was enthusiastically welcomed to this country, and we know that during the war President Roosevelt instituted a system of emergency visas under which there were admitted to this country hundreds of victims of totalitarian pressure and victims of Nazi oppression, some of whom were our strongest allies and closest friends and who performed great services to the United States. We feel that victims of Communist oppression, people who take untold risks, who have come over to our side to free themselves from oppression and to aid us in our fight against oppression should be welcomed to this country and that every effort should be made to encourage their defection from their totalitarian masters and to encourage them to come over to our side and serve as our allies.

It is interesting that the United States, with its long tradition regarding asylum for oppressed peoples, is among the few truly democratic countries which does not have written into its statutes a positive policy regarding asylum. At present, victims of totalitarian terror who come over to us are carefully screened by the administrative authorities and the Immigration and Naturalization Service, whose slogan is "The guardian at the gate." It regards itself as an instrument for exclusion, not as an instrument for encouraging allies to come over to us. It is used not as an instrument of a positive immigration policy, but as a negative instrument. That, I think, grows from the law under which the Service operates.

The Immigration Service also is much opposed to court review, to judicial interference with its administrative decisions. The Immigration Service handles problems which involve human beings. Other regulatory agencies here, such as the Interstate Commerce Commission and the Securities and Exchange Commission which deal with property, have their decisions subject to the most careful scrutiny. We think that the Immigration and Naturalization Service's decisions should be subject to similar court review, to court review similar to that under which other administrative agencies operate.

Now, specifically as to the right of asylum, I have pointed out that these victims of totalitarian terror who can be our most ardent and effective allies, come over to us at very great risk. Unfortunately, to our shame, many of these victims who have found some sort of refuge in this country are arrested by the Immigration and Naturalization Service under its narrow conception of its functions and held for deportation. In many cases the courts have issued writs permitting these people to stay in this country, but a positive policy recognizing their right, if you want to call it that, to stay here because they are our demonstrated allies, I think, would be of great benefit to the United States as well as an act of humanitarian decency.

Under the present law the kind of persons in whom we are interested are admissible to this country under a provision which provides that no alien shall be deported under any provisions of the law to any country to which the Attorney General should find such alien would be subject to physical persecution. The new act which goes into effect in December waters that decision down and the wording therein, it seems to us, meets the desire of the Immigration and Naturalization Service to make court review more difficult. This provision would extend the discretion of the administrative agency in this regard. All of this, of course, is negative policy. You have to get the Attorney



General's O. K., and the resistance of the agency to court review has made it difficult to administer a positive policy of welcome to these people who are our most ardent allies and who take great risks to demonstrate that fact.

The President said in his recent veto message to Congress:

Our immigration policy is equally, if not more important to the conduct of our foreign relations and to the responsibilities of moral leadership in the struggle for world peace. \* \* \* we want to stretch out a helping hand, to save those who have managed to flee into Western Europe, to succor those who are brave enough to escape from barbarism, to welcome and restore them against the day when their countries will, as we hope, again be free.

In this connection too I would like to refer to what General Eisenhower said in this city before the American Legion convention a few weeks ago that "never shall we desist on our aid to every man and woman of shackled lands who seek refuge with us any man who keeps burning among his people the flame of freedom or who is dedicated to the liberalization of his fellows."

These people, it seems to us, have a moral right which should be recognized in law not to be deported. The United States Government has just won wide acclaim throughout the civilized world for its position regarding the return to the tender mercies of their totalitarian masters the North Korean and Chinese prisoners of war. It seems to me and the committee which I have the honor to represent here that these victims of totalitarian terror about whom we are speaking are in a position morally little different from that of the Chinese and the North Korean prisoners of war, regarding whom this Government is taking so splendid a stand.

There is one other aspect of this problem which I think bears directly on the question at issue to which I would like to address myself too, and that is a provision or recommendation which would call for the strengthening of exclusion clauses rather than liberalization. At present the law properly excludes Communists and pro-Communists. We are in agreement with that. We approve of that because we are engaged in fighting for rescue and relief from Communists and pro-Communists. It is rather magnanimous, however, in regard to other totalitarians who are also opposed to the American system of life and decency.

The legal technicality through which this magnanimity is exercised is through a definition of "totalitarian" in section 101 of the law: Totalitarian means an organization which advocates the establishment in the United States of a totalitarian dictatorship. And the significant words there are "in the United States." Both Hitler and Lenin insisted their totalitarianism was for home consumption only and not for export. Yet, it seems to me that this is contrary to the interests of the United States and is unsound policy to make it easier for rabble rousers, Fascists, Nazis and anti-Semites to get into this country than for other totalitarians for the so-called left who are now, in our opinion, properly excluded. I think that could be remedied by amending the definition of totalitarian party.

That is about all I have to say here. Our formal statement in the record elaborates most of the points that I have made here. If you have any specific questions, as I have said before, of a specific character, Mr. Becker, our executive director, is here in the audience and I am sure would be glad to answer them.

Mr. ROSENFELD. Professor Spero, I understand the International Rescue Committee received a very substantial grant from the Ford Foundation in connection with the iron curtain and refugee fund.

Professor SPERO. The resettlement fund. The International Rescue Committee has two so-called campaigns. One of them is the iron curtain refugee campaign and the other is the resettlement campaign for displaced persons.

Mr. ROSENFELD. Would you care to give the Commission the benefit of your views as to the meaningfulness of your experience with the Iron Curtain Refugee Fund.

Professor SPERO. I think Mr. Becker could do that much better than I. He is familiar with the details and he could do that more effectively.

The CHAIRMAN. Professor, I should like to refer back to some statements you made to the effect that the Immigration and Naturalization Service was opposed to appeals to court. Is it not the fact that the Immigration and Naturalization Service in many important respects does not fix the policy, but merely carries out the acts of Congress which were determined by the Congress?

Professor SPERO. I know that perfectly well. Of course, the law does not subject the Immigration Service, or at least it relieves it, from the kind of court review which the administrative procedures applies to other agencies.

We still do think that more of the extension of the principles of administrative procedures to the Immigration Service would be a wholesome reform.

The CHAIRMAN. It might be helpful if Mr. Becker would file a supplemental statement with us on the experiences of your committee with the iron curtain refugee fund.

Professor SPERO. I will ask Mr. Becker to do that.

The CHAIRMAN. Thank you very much.

Is Dr. Louis I. Dublin present?

#### STATEMENT OF LOUIS I. DUBLIN, SECOND VICE PRESIDENT AND STATISTICIAN OF THE METROPOLITAN LIFE INSURANCE CO.

Dr. DUBLIN. I am Dr. Louis I. Dublin, and I am second vice president and the statistician of the Metropolitan Life Insurance Co., New York. I am not, however, speaking for that company, but rather as an individual.

If I have any contribution to make it is because I have for many years given close study to certain population problems which I think have a bearing on the subject matter of your Commission, and I would be speaking only as a student of this program.

I have a statement here, a very brief one, in which I have attempted to summarize the results of a long-term study on what I call the Money Value of the Man. I should like to read it.

The CHAIRMAN. The Commission will be glad to hear it.

Dr. DUBLIN. I assume that I have been asked to testify before your Commission because of certain studies which my office has conducted over a period of years. These have appeared as a volume under the title, "The Money Value of a Man." The first edition appeared in

1930 and the second and revised edition in 1946. The findings in this volume have, I believe, a very direct bearing on the formulation of basic immigration policy.

I shall proceed to present some of the economic assets which immigrants bring with them to our country. In doing this, I shall assume, of course, that the immigrant has been carefully selected for his qualities of health, intellect, and moral integrity. There are three aspects from which I shall consider the economic value of the immigrant to our country.

In the first place, during his period of dependency through infancy and childhood, he has been only a consumer of goods. He had to be given food, shelter, clothing, medical attention, and schooling before he could become a producer. The cost of all of these consumption items was borne by someone outside of our own country. In other words, each young immigrant we receive who can take his place as a producer in our community brings us, without cost, all that another nation has put into bringing him to manhood. Let us just consider what the cost of bringing up such a man might be. For this I shall be conservative and assume that the average immigrant we take into this country belongs to an income group whose family averages \$2,500 annually after income tax. For such families, the cost of bringing up a child to age 18 is about \$10,000 in our country. This is a measure of what would have been taken from our own production to bring up this immigrant child if it had been born among us. It is a clear saving. If more had been put into its rearing and education before coming here, the saving to us is so much the greater.

I will now pass on to a second aspect of this problem, namely, the money value of these immigrants when they become producers in our country. Bearing in mind my assumption that we take in only immigrants whose health and training are comparable to that of our own citizens, it seems proper to assume that their earning capacity will not be too far below our own average. In 1950, this average for the American family was about \$3,300. To be conservative, I shall assume that our immigrant will have an earning capacity of only \$2,500 after income tax. For the average man of age 30 in this income bracket, the present value of his gross future earnings is about \$50,000. This is a measure of what he can add in these times of labor shortage to our productive capacity during his lifetime. Again, I have considered only the case of the immigrant who would now be perhaps in our lowest income bracket. The immigrant who comes to us with superior technical or professional training brings us much more in productive value. Such an immigrant at age 30, who might be able to earn \$3,500 annually after taxes, has a present value of gross future earnings amounting to about \$80,000. In other words, our economy gains substantially in these days of full employment by taking into the country the kind of immigrant to which I have been referring. We benefit first from what another nation has put into bringing him up to be a producer, and then we benefit by the addition of his productive capacity at a time when we greatly need such help.

Third and last, we may view this problem in connection with the aging of our population. In 1930, the first census after the drastic curtailment of our immigration in 1924, 3.1 percent of our people were at ages 70 and over and their number then totaled somewhat under

3,900,000. The census of 1950 showed that we have 4.8 percent of our people at ages 70 and over and their number is now about 7,250,000, somewhat under twice that of two decades ago. In other words, the burden of the aged upon our producers is increasing rapidly, a situation which is only now beginning to receive the attention it rightly deserves. However, we cannot view this matter of the added burden upon the producers from the point of view of the aged alone; we must also consider the rapidly increasing numbers of dependent children because of the recent upswing in the birth rate. We thus have a growing burden upon our producers from both directions. These facts point up our pressing need for additional producers in these times of full employment and national emergency.

From each of the three angles, all solely economic, it must be clear that carefully selected immigrants can constitute at this time a very great asset to our country, and that our immigration policy, quite apart from any other consideration of international relationship, should reflect in some way the benefits which immigrants can bestow on us.

But in considering these economic aspects of the problem, we should by no means overlook the cultural and spiritual benefits that we derive from the immigrants to our shores. I need hardly list the large number of immigrants who in the past made most valuable contributions in the arts and sciences and in the fields of religion and social organization, all of which have advanced our culture. These are immeasurable values.

This leads me to say that from every angle our country has benefited greatly from the immigration of the past. Huge additions were made to our labor force at a time when they were needed by the industries of the country. The immigrant played an important role in building our railroads and our vast network of highways. They served our mines and factories. Indeed, they were the very backbone of our expanding productivity. We often think that we were generous to the oppressed peoples of Europe when we opened the door to them. I do not question this attitude, but I would like to put in the record the fact that our generosity was well rewarded. We got back a good deal more than we put in.

Our present situation is not very different from that of earlier years. Our economy is still expanding, our labor force needs additions, and we need friends among the free peoples of the world. We can afford, therefore, to show a tolerant and even friendly spirit in terms of our immigration policy. We can afford even now to keep the door open, being very careful, of course, in our choice of those whom we welcome.

Mr. ROSENFELD. If I may, I would like to go back over each of those points for a moment. Do I correctly understand your first point to be that the immigrant aged 18, coming to the United States, increases the national wealth of the people of the United States by \$10,000 upon his arrival?

Dr. DUBLIN. It has cost that to bring him up.

Mr. ROSENFELD. Assuming that in the year 1951, approximately a hundred thousand quota visas were unused, is it fair and correct to draw the conclusion that that lack of use of a hundred thousand quota visas, in effect, deprived the United States of billions of dollars in productivity or productive energies had those people come in?

Dr. DUBLIN. I think the figures are even larger than that, because if you are thinking in terms of productivity or productive energy, you are thinking in terms of what the future production these people—assuming they were all right in every other respect—would have added to our country's wealth.

Mr. ROSENFELD. Do I correctly understand your third point to be that failure to use the number of visas authorized will in the future add to the burden, or at least fail to alleviate the burden on the producers because of the increasing number of aged and the young?

Dr. DUBLIN. I prefer the latter way of putting it. We find ourselves in a situation. It may be only temporary. At any rate it is what it is, so we have an increasing number of dependents with a decreasing proportion of producers. There is need—we all know—need for an increase in our labor forces for an expanding economy. We could bring in an increased number of, or a sizable number of, producers that would relieve the burden on the working-age period of our population. It would relieve the burden of sustaining the dependents.

Commissioner O'GRADY. Is anything being done to enlighten American industry and business in regard to the situation you have described?

Dr. DUBLIN. I think we are all aware—the entire country is now thoroughly exercised over the problem of our aging population. We were caught asleep. We have made no preparation for it or very little, and now we are trying to catch up with this pressing problem.

Now as for the interest of industry, that is a very real problem of how to prepare the aged for retirement and all the rest of it.

The enlightened industrialist is concerned not only with this problem of the aged but is more concerned with the problem of the labor force. Our country is growing. Our country is expanding. Our country needs more productive hands, and the industrialist is aware of that. The labor market is very tight.

Now let's forget the industrialist if we may for a moment. There is another group, and a very important group, whom we overlook. We think in terms of industry but we forget there is a very much larger number of housewives. We forget about them. There is a larger number, and I think in the aggregate that they are even more important in the growth of the life of the country.

Now they are suffering in the opinion of many in the pinch of the labor force; they are suffering terribly from a lack of very important hands, very important people in the service of the family; and gentlemen, don't minimize the importance of what that means to the American family. People who can afford to pay decent living wages for help, to help bring up their families, simply can't find such help. It doesn't exist. There is room in our country for a million people who could do most useful and productive work at good wages. They simply don't exist. I think that is as important for the future history of our country as this problem of the tight labor force. We all feel it, and very few talk about it.

But when you think in terms of what it means to our housewife, to our women, to have no help, what it does to the birth rate, what it does to the character of the family, I think we have got something very, very serious to consider. As far as I can see from the literature and in our public statements, very little is being said of the obvious.

I consider that a most important item in the thinking of our immigration problems.

The CHAIRMAN. Did the housewife have that help until comparatively recently?

Dr. DUBLIN. It has been a tight situation for a good many years. Today it is so tight that you need a shoehorn to adjust it. I would say that condition has been growing for the last 15 years, and getting worse all the time. It flows largely from the fact that our industries and our businesses are absorbing people, more and more, and here we feel the pinch in the domestic economy.

The CHAIRMAN. Doctor, have you any statistics on the number of immigrants that this country could profitably absorb?

Dr. DUBLIN. Mr. Chairman, I have no such estimate. I have not addressed myself to such a consideration.

The CHAIRMAN. Thank you very much, Doctor.

Commissioner Edward Corsi is scheduled to be our next witness.

### STATEMENT OF HON. EDWARD CORSI, INDUSTRIAL COMMISSIONER OF THE STATE OF NEW YORK AND CHAIRMAN OF THE NEW YORK STATE DISPLACED PERSONS COMMISSION

Commissioner Corsi. I am Edward Corsi, industrial commissioner of New York State and chairman of the New York State Displaced Persons Commission. I am also president of the American Federation of International Institutes.

I have a prepared statement I wish to submit for the record, and then I should like to make a few pertinent remarks.

The CHAIRMAN. Your prepared statement will be inserted in the record.

(There follows the prepared statement submitted by the honorable Edward Corsi:)

A "reassessment of our immigration policies and practices in the light of conditions that face us in the second half of the twentieth century" has long been necessary. The congressional committees which studied this question in the Eighty-first and Eighty-second Congresses were more concerned with plugging up the loopholes in existing immigration and naturalization laws than in examining the basic concepts on which these laws were based and the relationship of these concepts to our national interests at home and abroad.

Despite the prolonged debate on the various bills, there is grave doubt that the fundamental issues involved, the number of persons affected, or the possible consequences for the Nation of the new legislation were understood clearly by the American people.

The question is whether the legislation of a quarter of a century ago, born of fear, hysteria, and political expediency, still expresses the policy that the United States wishes to follow toward its own citizens and the peoples of the world.

If the Commission can succeed in bringing this issue, with all its ramifications, before the Nation, I am certain that the decision of the public, based on all enlightened self-interest, will be to reject the solutions of Public Law 414 in their entirety and to reassert affirmatively our democratic ideals and heritage. They will decide that the present immigration law based on archaic concepts cannot be patched up. That it must be junked entirely and out of its ashes a new law must be conceived based on the idea of human equality.

As Americans we cannot accept the concept incorporated in the present legislation that mankind is divided into breeds, biologically and culturally separated from each other and that one breed is superior and all others inferior. All races, creeds, and colors have shared in the making of America. All have equal dignity. All share our heritage in the same degree. The blood shed in its defense has come no less from those whose forefathers were of Anglo-Saxon heritage than

from those whose forefathers sailed the Mediterranean Sea. We cannot accept the principle that the cultural descendants of the Greeks and the Romans, whose civilizations lighted the world when the Anglos and the Saxons still roamed the forests of northwest Germany and fought with clubs and who in modern times have fought side by side with us against red absolutism are less capable of making good Americans than the descendants of other national groups.

As Americans we cannot tolerate discrimination through legalistic subterfuges against persons whose skins are of a different color from our own.

As Americans we cannot afford a domestic policy based on fear. The world is in too precarious a state for this Nation to indulge itself in the luxury of conduct based on the same type of pathological mentality that brought the German people to destruction. As never before, our safety and our future depend on the mutual esteem, trust, and faith of the free peoples of the world. It is not necessary to be a psychologist to know that xenophobia, the fear of strangers, merely mirrors our own insecurity and lack of faith in our own strength and in our own institutions. It will be difficult enough to win the cold war with actions based on rational thought. To base national policy on a type of reasoning which, if displayed by an individual, would place him in jeopardy of commitment to an asylum, is to admit defeat in advance of battle.

As Americans we cannot afford to establish two classes of citizenship with one set of rules for naturalized citizens and another for the native born. We cannot adhere to our traditional values and at the same time set up a system in which an activity which is lawful for a person born in this country may be penalized if performed by a naturalized citizen.

As Americans we cannot abrogate a person's right to a fair trial before an impartial judge. We cannot invest our administrative officials with unbounded authority subject to no judicial check and subject to no appeal. We cannot adopt techniques for administering justice which are indistinguishable from those of the totalitarians.

These are all concepts which are embodied in our present immigration and naturalization statute. They are alien to the fundamental concepts on which this Nation was built. Given a fair opportunity, the American people will reject the legislation which embodies these harmful concepts and develop an immigration and naturalization statute which is written in the idiom of a land of the free and the brave.

The new immigration policy should be based on a realistic appraisal of the needs of our domestic economy, especially as it relates to the adequacy of the labor supply in the present defense economy and in the foreseeable future.

Whether our manpower resources are adequate to win the peace without replenishment through immigration cannot now be ascertained because the total requirements of a state of national existence in which we must ever present a force sufficient to dissuade the Kremlin from precipitating a crisis is not known. The world cannot endure another global war. At whatever cost we must have assurance that we are strong enough to win the peace.

Under these conditions it is a demonstrable fact that our economy can now, and for a long time to come will be able to, absorb advantageously at least double the number of immigrants permitted under the present law each year.

In relation to our defense manpower needs of an estimated 2,000,000 additional workers in defense production by mid-1953, an annual total of 300,000 immigrants, of whom only half can be expected to enter the labor market, seems small indeed. Of course, it is to be expected that our defense manpower needs will be met largely by shifting workers now employed in non-defense to defense production and by adding to the labor force workers not normally employed. That is what we did in the last war. But new immigrants can be expected to fill the jobs of those who shift to defense work and to fill the other jobs that American workers are reluctant to accept.

The defense production level expected to be achieved by 1953 is but the floor from which full mobilization is to start in the event of need. Even the present state of mobilization has shown deficiencies in the supply of technical, professional, and skilled workers to meet current demands for labor. Such workers require long years of training. This lack of skilled technicians can be eased by a planned immigration program.

The immigration of the last decade with its relatively high proportion of professional, technical, and skilled workers compared with earlier immigrations, as well as the displaced persons program have shown that we can obtain from abroad skilled factory workers, engineers, technicians, and other skilled workers who would be of great value in expanding production.

The forces of totalitarianism have practically unlimited manpower resources at their disposal. Their productive efficiency, while far from being on a par with ours, is yet increasing. From whence will our manpower come to cope with this flood of humanity?

Apparently our supply of young men to meet Armed Forces needs is already running short. According to estimates of the Selective Service Administration manpower requirements for the military services for this year alone will be approximately 1,190,000. They anticipate that a wider range of age groups will be subject to call as well as many now in exempt groups. The war we are fighting is only a peripheral engagement but 100,000 men a month are being withdrawn from productive purposes to fight it. What will be the extent of manpower demands in a larger conflict?

The Korean experience is ample testimonial that wars cannot be won with modern weapons alone—military manpower is necessary. To face the huge potential of the Communist powers men will be needed both to man the factories and the guns. Under such circumstances we will need every man and woman available. Who at such a time will not consider our immigrants, especially if carefully chosen for their adherence to the democratic idea, a national asset?

In this connection may I call to mind one of the lessons of World War II. The decisive battle was fought not in the field, but on the factory production lines. When the output of German industry was reduced to such an extent that its guns and planes could not be supplied and its people fed, the German Army was licked although the actual battles in the field took place at a later date. The simple fact was that there was not enough manpower to man the front lines and supply the troops at the same time.

There are other areas of the American economy in which nationals of other countries who believe in democracy can be utilized in this country. In my own State, the average age of farmers is 52 years. The number of farms abandoned because there is no one to run them increases annually. There is a continued shortage of year-round farm workers. In this State as in other areas of the country, our youngsters for several decades have left the farm for the urban communities. There is real danger that in the years just ahead agricultural production will be seriously hampered. The continued prosperity and high production by agriculture is fundamental to our economic prosperity. The farmer is the man who feeds us all.

In the overpopulated areas of western Europe there is a rich pool of surplus farmers and farm workers. There are many farm families with no opportunity for employment on the land. In Italy, in Germany, in the Netherlands, there are large groups of experienced agricultural workers who cannot find productive employment. These people, if otherwise qualified, should be permitted to come to this country to the mutual benefit of the immigrants and the Nation.

From time to time questions have been raised regarding the economic aspects of immigration. Our history shows that both our productive capacity and our standard of living have risen with the increase of population. Today both our population and our standard of living are higher than ever before in history. During the depression decade of the thirties there was a falling off in the birth rate. Persons born in this period are now entering the labor market but in reduced numbers compared with other periods in our history. The inability to recruit personnel for our Armed Forces in sufficient numbers is one indication of this condition. For the next decade at least, the deficit between the normal annual increment to the labor force and the smaller expected increments can be made up by permitting immigration on an increased scale.

The successful operation of the Displaced Persons Act of 1948 has given us some additional insights into the economic advantages of selected immigration. Some 116,000 immigrants have settled in New York State under this program since October 1948. About 45 percent of this number were housewives, students, and minor children who did not join the labor force. Of the group that entered the labor force, 6 percent were professional or semiprofessional workers or managers; 36 percent were skilled workers; 19 percent were farmers, or farm laborers; the remaining workers were in commercial jobs or unskilled jobs such as laborers and domestics.

Among the professionals were 24 electrical engineers, 20 mechanical engineers, 77 chemists and metallurgists, 381 physicians and surgeons, 272 nurses. Among the semiprofessional workers were 151 designers and draftsmen and 357 technicians in various scientific pursuits. Among the skilled craftsmen were 1,000



carpenters, 2,000 mechanics in various trades, 145 machinists, 6 tool and die makers, and many others.

These immigrants have made substantial contributions to the welfare and prosperity of New York State. They have been absorbed without a ripple in the economy, which during the period of this immigration has risen to unprecedented heights and in which unemployment has dropped to postwar lows. They have adjusted to their new way of life with remarkable speed. They are accepted in the communities in which they live. They are taking action speedily to become American citizens. We have not had a single substantiated complaint against any of the thousands that have resettled in New York State communities.

The displaced persons who have come to this country are not "beaten men from beaten races." They are the cream of European industrial and agricultural society whose need for asylum is not based on their own disabilities but on the chaos and disorder caused by global war and its aftermath.

There seems to be little doubt that given a resettlement policy based on our national economic needs and on the belief that immigration is mutually advantageous both to the immigrant and the Nation, that many more immigrants can be absorbed successfully than are now permitted to enter under the McCarran-Walter law.

Some have said that the successful immigrations of the past few years are but transitory indications which are insufficient to justify a long run immigration policy. They have claimed that the agricultural frontier of the past is gone, the possibilities of new industries being developed such as the railroads, electric power, and automobiles which in the past absorbed large numbers of immigrants is also gone. Population growth is declining.

If these false prophets, who with senile eyes focused on the past announce the decay of the American economy, would but turn their heads to the future they would see the new and ever-expanding frontiers of the atomic age. We are only now on the threshold of revolutionary new advances in agriculture, in technology, and in social invention.

The agricultural frontier is still with us but in new guise. Conservation, reclamation, river development, breeding, distillation of fresh from salt water for irrigation purposes, yes, even climatic control by men are but indications of the nature of the new agricultural frontier. Our pioneers will not chop down the trees but plant them; not erode the soil with wasteful practices but bring new lands into cultivation through restorative measures.

Industrially, the atomic age has just begun and we can scarcely envisage the limits to which this energy, harnessed to constructive purposes, can be put.

In the field of social invention, we now have and are constantly developing new mechanisms which help to provide a stable economy, provide social security and a high level of employment and which insure a minimum wage to immigrants and natives alike.

It is reasonable to conclude therefore that in the future there will be a place in an expanding economy for immigrants in numbers perhaps not as great as during the periods of peak immigration in our history but well above the limits set in our current legislation.

A new immigration policy should be based on America's position as a leader of free nations and the world's champion in the struggle against Communist tyranny.

The underdeveloped and colonial nations of the world have a passionate desire for independence, dignity, and self-realization. After centuries of dominance by western imperialism they are deeply suspicious of our motives and our actions. They examine skeptically our protestations of democratic equality in the light of actual performance.

It is, therefore, insufficient to claim elimination of racial discriminations in our immigration and naturalization statutes and at the same time to insert new provisions which set forth additional barriers on the basis of race. This is self-deception on our part. Certainly the Asiatic peoples are not fooled.

When we specifically limit to 100 the quota of Trinidadians and Jamaicans who heretofore were able to come in larger numbers if they so desired, it is not the colored people who are deceived by the claim that white persons are equally affected by the provision. They are not measuring the words of the statute but their intent. And the intent seems clear enough. Our basic policy toward these Asiatic and colored people as evidenced by the new statute has not changed substantially—and they all know it.

In Europe our foreign policy is geared to the building up of a force which will contain communism within its present boundaries. This objective can be won

only with the cooperation of all the free nations of Europe. Nevertheless, our present immigration statute continues the discriminations of the past against the very nations that we expect to join with us in the defense of democracy.

The quotas of our allies in southern and eastern Europe are not enlarged. Unused quotas of other nations are not made available to them. Mortgages on future quotas imposed by special postwar legislation are not removed.

Standing on the Soviet borders in southeastern Europe are Greece, Yugoslavia, and Turkey. Fifty percent of the total quota of 310 for Greece is mortgaged to the year 2013. The quota of 938 for Yugoslavia is similarly mortgaged to 2001; the quota for Turkey to 1964. They are key countries in our stand against aggression.

Can we believe that this legislation will be an inspiration to these and other European peoples to join us in our struggle against the Reds? Are we extending the hand of friendship when we say that a designated number of people may be admitted but that if an Englishman or an Irishman doesn't want to come, a Greek or a Turk or a Yugoslav may not take his place? Is this statute an aid in carrying out our foreign policy?

It is not sufficient that a new immigration statute be devised. The administration of a newly conceived and newly written immigration and naturalization law should be placed in the hands of agencies which will sympathetically administer it. If it is desired that primary emphasis in the field of immigration and naturalization should be in the area of domestic policy, then responsibility for the implementation of such an immigration policy should be centered in the Department of Labor. If it is desired that the immigration policy be closely attuned to our international interests then responsibility should be vested in the Department of State. Perhaps the responsibility should be shared between these two agencies.

Commissioner Corsi. I want to say I think that this is a unique opportunity for me to appear before your Commission, and I think the creation of the Commission was an extremely wise move.

In my experience I think there has been a great deal of effort on the part of certain parties to keep this subject away from general public discussion and general public education, an exclusion of it, and I think for an ultimate solution for this important problem in our national life, that this is important.

I was a Commissioner of Immigration at Ellis Island for several years, and I had a pretty fair opportunity to see the workings of our immigration laws, and the front-line trenches, where you actually dealt with the man coming in and the man going out, and had a chance to see how these laws actually functioned in human terms, for the benefit of the country and the immigrant himself; and I left the Immigration Service clearly with the impression that in our whole immigration policy we are motivated by fear. We are afraid of the immigrant. We are afraid of the foreign-born. We are afraid of the alien. And this fear permeated the whole Immigration Service, from the Commissioner down.

We were perfectly willing to block the admission of a thousand people to make sure that one wrong person wouldn't get in. That was in the administration of the law, and it was in the law itself.

For instance, there was no discretion at all in any official to prevent a hardship in the immigration laws. I sat there as a glorified commissioner of the United States, appointed by the President and confirmed by the Senate of the United States, and I could witness tragedy after tragedy, but I was absolutely powerless to do anything about it, and so was my boss, the President of the United States.

Well, finally they devised this cumbersome system of introducing a bill in Congress, and I think you know enough about that so I need not comment on it. I think you just can't administer laws that deal

with people, the destinies and lives of the people, unless you provide discretion and place it in the hands of wise and prudent administrators.

For extreme cases of hardship and separation of families and other cruelties, where they are involved, they be given the discretion to grant time or to do something about it. So I sincerely hope this Commission will study this question of the administration of the law as it affects the individual coming in and going out.

In my time, of course, the emphasis was on deportations all over the country. Somehow the impression seemed to have gotten around that we could solve the problem of unemployment in that time—this was in 1931, '32, and '33 and in there—that we could settle that problem by deporting people. So we were in the wholesale business of herding people in wagons and cars and everything else and bundling them out of the country as fast as we could.

The whole thing again was permeated with fear of people, and I think you find a good deal of that in the McCarran-Walter law. Again there is the element of fear.

Certainly I am for careful detection of unworthy elements, and of careful qualifications of people who come into the country. Our authorities abroad are to look over these people carefully and make sure they are the kind of people we want and will make good citizens, and then we will have a double check at the port of entry of the United States. But that should be undertaken in the spirit of careful, wise administration, rather than in the spirit of fear. We have feared all kinds of people in this country over the years.

While in instances the fears have been justified, on the whole we have been mighty foolish in suspecting the people who have contributed so much to the making of America.

Now this spirit of fear permeates the quota system. The quota system is a hodgepodge and a compromise and a political expedient when it was written, and I daresay it was designed to discriminate against certain groups of the world's population. The person who wrote the law was an official of the United States Labor Department when I was Commissioner, and he told me that deliberately they tried to discriminate against certain groups and keep certain groups out of this country if they could.

But entirely aside from that, the quota law is antiquated and useless so far as America is concerned. We have not gotten an immigration policy in this country which responds to the needs of America. The economic and social needs of America, that is. We simply try to please a lot of people by establishing quotas. We compromise with minority groups and pressure groups and all sorts of groups and try to work out of this willingness to deal with people politically what we call an immigration law and an immigration policy. We have not got an immigration policy and we have a very poor immigration law.

Now fundamentally, immigration is labor. From a purely selfish American point of view, we import people to the United States because we need them. We can provide a living for them and even enhance the prosperity of the United States. Then it is humanitarian, and it is traditionally a continuation of the policy for the oppressed of the world. Now we have got to think in terms of a policy which is permanent, and a permanent basic policy is one that meets the social and economic needs of the United States.

Now I listened to Mr. Dublin speak about the social needs of the United States, and formulating a policy based on that. Let me give you a picture of the State of New York, which after all is an important segment of the United States, and let's see what this immigration policy has done to the economy of this State.

Regarding the manpower situation of this State, the economic needs of this State we are suffering from a very serious labor shortage in this State, both on the farm and in the factory.

The other day I asked the Employment Service to give me a quick report of the manpower situation in this State, and what it is that we need. As of August 31, 1952, there were in this State, 53,366 unfilled jobs in the nonagricultural field. Well, I might say that half of them unfilled at that time have probably been filled; but there are thousands of jobs in this State which we have not been able to fill for 5 years. They are always open, in the Employment Service of this State, and I take it that is true of the employment service in every other State of the Union.

There were at the same time some 4,500 farm jobs in this State which can never be filled, just can never be filled. Now these labor shortages in the State which are permanent involve electrical workers, experienced engineers, toolmakers, machinists, garment operators, tailors. Why, it has been estimated that in 5 years, or a little more there won't be a single tailor in this entire country who can make your suit. That is the testimony of the leaders of the garment workers in this city. I could submit for the benefit of the Commission a whole list of jobs that just can't be filled in this State. We have not got the workers for them.

On the farm you would be interested to know the average age of the New York farmer is 53 years, and the labor scarcity is tremendous. We have to import all the time on a seasonal basis, borrow most of the time as many as 10,000 workers from other States, Puerto Rico, and from the South, the Bahamas, and outside of the United States, to take care of the farm needs of the State of New York. Now all that is remediable, I suppose, by the use of a potential labor reserve consisting of the handicapped, the housewife, people who have not been on the labor market before but who could be drafted for the labor market. We could put women in uniform, or put them in overalls, take them out of the kitchen and put them on the railroad track. We could do that as an emergency proposition. But no one, I hope, would advocate that as a permanent way of meeting the labor shortages of the United States. We could do that but we would not be doing what we ought to do.

But let's face the problem of security in terms of manpower. What if a war that might last 5 or six years against the Communist powers of the world, with their tremendous manpower resources, should come? Why, I think that we are going pretty well now; we have just got about enough workers in our factories and so on to take care of the number of people who are in the Army, Navy, or in uniform all over the world. But we are not armed for the war. We have not put in uniform yet the millions we should need in the event that we are actually on the battlefields of the world. One of the reasons that led to the defeat of Germany was the inability of the factory at home to take care of the boy at the front: the production at the end of

the war had dropped, and other things had dropped, and they couldn't substitute the manpower needed at home to provide ammunition and food and everything else for the fighters at the front.

I seriously question whether this country with its present limitations of labor and manpower could wage a successful war over a long period against the tremendous hordes now in control of the Communist world. We should have to forever lean on the free nations of the world for the supply of labor that we need. We should have to do it by immigration to the United States, or by drafting that labor abroad in the countries where it is and transferring a good deal of our American industries for our purposes to foreign countries where labor is, so that we might have the implements of war to carry us to victory. That is a very serious question.

Now what do we substitute for the quota system? Well, Senator Lehman said a very wise thing when he said "let's take people into this country on the basis of individual fitness rather than on the basis of nationality, religion, or anything of that sort."

First of all I feel the Immigration Service should be brought out of the Department of Justice and brought back to the Department of Labor. If it doesn't belong in the Department of Labor it belongs in the Department of State. It certainly doesn't belong in the Department of Justice, and perhaps in the Department of Justice for the same reason that I indicated before, it permeates our whole immigration policy with fear.

The Department of Labor can deal with this question. The Department of Labor, on a policy which is based on the manpower needs of our country, can recommend to the Congress of the United States from time to time just how many immigrants we need, what kind of immigrants we need, and let the Congress of the United States approve or disapprove of the recommendations of the United States Secretary of Labor.

Now I wouldn't place this whole policy in the basis of our manpower needs, because we live in the age in which there are terrific dislocations that affect the peace of the world. There are millions of refugees roaming all over there in Europe. There are all kinds of people who are burdens on poverty-stricken countries, and certainly we have a moral responsibility, let alone a duty as a leading nation of the world, to do something about the relief toward these countries and these populations, and so there should be added to the basic immigration policy a real genuine effort to be helpful to these displaced persons.

I was in charge of the displaced persons program for the State of New York, and I remember in spite of the almost universal approval of the DP program in the State, there were a lot of people who felt that we were taking in a great many workers whom we might never be able to use, who might create a serious problem of unemployment in the United States.

I think this State took in certainly more DP's than any other State in the Union, twice as much, I think, as the rest of the country or States. We have absorbed that additional manpower without the slightest dislocation of our labor economy at any point of the State, and certainly I would know as the labor commissioner of this State if anything of that sort had happened.

American workers were not displaced in their jobs. The displaced persons did not take anybody's job away. They fitted into the scheme of the State marvelously and they are becoming good citizens, productive workers, and are unquestionably a valuable addition to the State itself, and to its economy, and to its social betterment.

I think we could take more of these people. I agree that we could double the effort that we have made in the past; take these people above and beyond what we need for our economic and security needs in this country.

I think that once a person has become a citizen of the United States, no matter where he was born or what his religion is, he should be a citizen on an equal basis with everybody else and should be accepted as such.

Once he becomes an American citizen he should be an American citizen. I have seen some very peculiar cases here at the port of New York on the basis of security, where children, or immigrants who were children at the time of the Fascist regime, were barred from our country because they were Fascists when they were 8 or 9 years old or something like that. That makes us look silly throughout the world and ridiculous.

My last point is that we have a tremendous international responsibility in the matter of immigration.

A very interesting thing happened at the time the people in this country were engaged in assisting the forces in Italy in the general elections in Italy a few years ago, and a great many people wrote letters to their relatives and friends in Italy urging them to vote for the Christian Democratic or Anti-Communist parties, but certainly against communism. That campaign was lauded and it was a wise thing and a very smart thing and will be repeated in the coming elections in Italy, because the Communist danger is even more serious now than it was at that time.

But while people from this country were writing letters over there and telling them of the benefits of democracy in the United States, what do you think was happening? The Communists staged a counterattack or counterdrive, and thousands of letters arrived in the United States from Communists in Italy to their relatives in the United States, asking them to change our immigration laws—to be reasonable, and so on and so forth. But they specifically pointed to the immigration laws and the exclusion of people from Italy to the United States.

Now they used it with a great deal of vehemence and with great success in some spots. Now I have visited Italy and all the people just couldn't understand our restriction and urged a more liberal policy.

If we are going to be a world leader we have got to be more reasonable and more understanding on two great fronts, which involve a good deal of our own interest, and that is the question of tariff and everything else that bars the importation of goods from the rest of the world, and high immigration barriers that keep people out. We just can't be a world leader if we are going to isolate ourselves behind walls. I am not pleading for a wide-open immigration policy because this cannot be good and this country couldn't stand it. It would be against American interests. But I do believe that we should

have a liberal and humane immigration policy, good for ourselves and good for the rest of the world.

That is all, Mr. Chairman. I have nothing else to say.

The CHAIRMAN. Thank you, Commissioner Corsi, for giving us your views. Do I correctly understand you to suggest that the administration of the Immigration and Naturalization Service should be removed from the Department of Justice and placed in either the Department of Labor or the Department of State?

Commissioner CORSI. That is right.

The CHAIRMAN. Would you favor that the Immigration and Naturalization Service be made an independent agency?

Commissioner CORSI. I don't believe much in independent agencies, Mr. Chairman. I am a firm believer in departmental agencies in Government. One of the great things in this State is—or was—the reorganization of the State government by the late Gov. Alfred E. Smith, when a lot of independent units were brought into 19 departments of government, and I think that is one of the things we need very much in Washington.

I am very much in favor of definitely placing bureaus and agencies and divisions in definite parts of Government where they belong, responsible to a Secretary who is a member of the Cabinet. I don't believe that we should have a Federal Security Agency independent of the rest of the establishments and the Federal Security Administrator not having the status of a Cabinet officer, but depending on contacts with the White House or with secretaries in the White House.

That is my feeling as an Administrator with a good deal of experience in the Government. So I don't favor a Bureau of Immigration set off by itself. In the Department of Labor it would be part of a great Department which concerns itself with the welfare of the wage earners of the United States, and certainly of the immigrants when they arrive as wage earners. If I had to choose between State and Labor, I would say the Department of Labor, I would suggest Department of Labor, first choice, and Department of State as No. 2 choice.

It was in the Labor Department originally and then I think the argument used was that the Department of Justice was in a better position to investigate the qualifications of applicants for admission to the United States because of its mechanism for dealing with subversives and that sort of thing, and so it was shifted to the Department of Justice.

The CHAIRMAN. Don't you think that is a valid argument?

Commissioner CORSI. No; I don't think so. I think any qualified department of the Government can do that job if properly financed by the United States. I don't think that is the No. 1 job. I think it is the essential job, but not the No. 1 job. We need to get the kind of people for America's needs and do it in a way that is reasonable and understandable; that is what is needed.

Mr. ROSENFELD. Commissioner, would you have any estimate as to the number of people you think the United States could profitably admit into the country within the next 4 or 5 years?

Commissioner CORSI. That is hard to answer. I would say we could take in 2,000,000 workers right now, the kind we need in factories all over the country, in connection with our defense program, anyway.

Mr. ROSENFELD. You wouldn't be concerned with future unemployment in connection with those people?

Commissioner Corsi. No. I think any student of this question of immigration will know that over the years the country has had periods of unemployment regardless of immigration. It has been up and down but the immigrant has become a part of the whole economy, and we have not suffered unemployment in this country because of immigration.

I suppose Dr. Dublin could confirm or deny this, but somebody said that if we had never had any immigrants in the United States—speaking of the immigration of our times—the population of the United States would be just the same. I don't know whether that is true sociologically or not. The more immigrants you have the more native-born you have. But the question of the immigrant has not been the source of our employment problem.

The CHAIRMAN. Thank you very much.

The CHAIRMAN. Rev. William Kelly.

**STATEMENT OF REV. WILLIAM F. KELLY, S. T. D., DIRECTOR,  
SOCIAL ACTION DEPARTMENT, CATHOLIC DIOCESE OF BROOKLYN**

Reverend KELLY. I am Rev. William F. Kelly, director of the social action department, Catholic Diocese of Brooklyn, N. Y. I am testifying as a representative of the diocese.

I have a prepared statement which is rather brief, and in the interest of time I should like to read it.

The CHAIRMAN. We will be pleased to hear it.

Reverend KELLY. Mr. Chairman and distinguished members of the President's Commission on Immigration and Naturalization, I am very grateful for your invitation to appear before you to present some views and considerations which, I believe, are shared by many of our fellow citizens.

May I commend you in your pursuit of the ennobling duty that is yours and also endorse the viewpoint that there is need to study and evaluate the immigration and naturalization policies of the United States.

Though we readily acknowledge the related importance of the naturalization and denaturalization of aliens, I beg, in the interests of time, to invite your attention, and thus confine myself to some ethical considerations of our immigration policies. I assume, of course, in my presentation, the generally accepted conclusions of the extensive economic, sociological, and demographic study and research.

As we all know, the earth is the Lord's and the fullness thereof (Psalm XXIII, 1), we read in Holy Writ. The Lord, our God, is the Supreme Ruler of all mankind. His law must govern the distribution as well as the use of the earth and its goods. He made the earth for all, not a few, men. All men, therefore, have a natural right to subsist on its resources and find sustenance in its goods. This natural right is a sovereign right which no nation, no people may arbitrarily disregard. The goods of the earth are for all mankind; they are not by nature the property of the few.

We, as a people, have title to this great heartland of human freedom that is called America. We are deeply grateful, as yearly we set aside a day to bear witness, to the lavish hand of God whose bountiful providence has so wonderfully endowed it. We recognize that we must



render an account to God and to mankind as well as to our own posterity of our stewardship over this land and its resources.

We have not failed to share our abundance with those in need. War-stricken Europe and Asia have known our bounty, and now famine in India is relieved. Our open-door policy in the past toward immigrants, as all the world knows, has built us into a mighty people. Tomorrow, or some other tomorrow, we will readily feed the hungry and aid the needy among Russia's unhappy slaves once they are set free.

Migration is as old as man. But only within the modern era do we find virtually world-wide restrictive immigration policies. Now, as is commonly accepted, freedom of migration is intimately related with freedom from want. Freedom from want suggests the right of opportunity or of access to acquire natural resources and goods to satisfy human needs. Freedom of movement or migration, whether within a nation or between and among nations, obviously, may only be limited within the demands of the common good. There is a natural right of a family to living space, as Pope Pius XII wrote in his notable *La Solennita della Pentecoste*. The living space of a family as we may properly interpret it may mean, in an agricultural economy, productive land area. In an industrial society it is the opportunity to suitable employment at a family living annual saving wage.

Sacred Scripture records many accounts of migrations and expulsions, of refugees and of sorrowing displaced persons. Yet we find no express warrant in Holy Scripture or in sacred tradition defining and declaring the right to emigrate and immigrate in the sense that these terms are currently employed.

Now while the generic right to migrate is a basic natural right, we must clearly recognize that, on the other hand, the specific right to immigrate to the United States—or any other country, for that matter—is an acquired right. An alien has no natural right to immigrate to the United States and there is no corresponding obligation on the part of the United States in justice though there may be in charity to accept him. One acquires the privilege to immigrate to this or the next country. This is granted by the Government. The determination of this immigration privilege must be left to the Government; it declares when and under what conditions—as the common good demands—a person may immigrate or enter the country. The Government, however, is itself bound to act not in an arbitrary fashion. Indeed, the Government itself must abide by laws more ancient than governments and more enduring than the laws of man, for such are the laws of God.

It is clearly the responsibility of the Government to safeguard the Nation's present and provide for its future in its general administration of the public welfare.

Immigration is not purely an internal matter of any nation. By its very definition and scope it relates to other nations and the relationships between nations. Immigration involves more than the internal economy of a country. It is also an obvious aspect and very usually a not unimportant instrument of foreign policy.

Though in the practical order an immigration policy must embody many diverse and complicated matters—at least, such is the testimony of experience, one must be guided by the ethical and moral considerations in the formulation of such a policy. To be realistic it must

express the internal capacity of the country and, at the same time, be in accord with external obligations in the family nations.

There is one more important consideration. As a people we have always recognized, both in personal and national way of life, that the stronger should help the weaker. These great United States, by the lavish hand of God and the great effort of its ingenious citizens, have developed an economy unequalled in world history. The per capita income in the United States is three times higher than in its nearest international competitor. We therefore cannot shut our eyes to the refugee problem abroad, nor to the appalling magnitude of the problems confronting the overpopulated countries especially in Western Europe. If for no other reason than self-interest, America must not fail to assist in the solution of these problems since any Communist solution would seriously and obviously affect America's security.

In view, therefore, of the population pressures particularly in such areas as Greece, Italy, and Western Germany, to mention but a few, it is in the interests of world peace and stability, and thus clearly in America's own interests, to promote and aid the international solution of the whole migration problem. More than American advocacy of a solution, or money to aid it, is needed. We must set an example even if only through a token share.

The great problem of our times, it appears, is the problem of the spirit: The defense of human freedom and human dignity. The most formidable menace of communism is the naked denial of man. Conversely, the affirmation of man's dignity, in addition to recognizing man's value: That man was made by God to serve in His image, requires that arrangements provide him opportunity for bread and land and work.

These few considerations, may I submit, of the many that abound and are relevant, seemingly impose upon us the duty to examine our immigration policy in terms of its conformity with America's capacity in justice, and obligation in charity to the rest of the world. American immigration policies, may I therefore suggest, if they are to express our deepest convictions and be true to our traditions must be directly related—because, obviously, they are a part of—the contemporary social, economic, and political facts of national and international life. The purpose of America's immigration policy must be to admit rather than to exclude that generous number which our capacious dynamic economy can absorb.

In light of these considerations may I accordingly urge that this Commission recommend, among many other things, I hope, modification of immigration law at least to the following extent:

(1) That the 1950 instead of the 1920 census be used.

(2) That quota numbers unused under this modified act be made available, as the Congress may direct to deserving persons in the surplus population areas, especially of Western Europe, and, also, to peoples whose nationality quotas were mortgaged under the emergency Displaced Persons Act.

(3) That, as soon as feasible, the visa mortgages contracted under the Displaced Persons Act be canceled.

(4) That in addition, as a temporary measure, provision be made for the admission as America's fair share of limited numbers of refugees and surplus peoples, such as outlined in proposals before the last Congress.

The CHAIRMAN. Thank you very much. We appreciate your courtesy in coming here and making a statement to the Commission.

Judge John J. Rafferty is our next witness.

**STATEMENT OF JUDGE JOHN J. RAFFERTY, EXECUTIVE SECRETARY, NEW JERSEY STATE LEGISLATIVE COUNCIL, CATHOLIC DIOCESE OF NEW JERSEY**

Judge RAFFERTY. I am John J. Rafferty, 55 Paterson Street, New Brunswick, N. J., and I am representing the New Jersey State Legislative Council, of which I am executive secretary. This council is formed under the approbation and encouragement of the Roman Catholic Diocese of New Jersey—Paterson and Camden—including what might be said to be the Catholic Church in New Jersey.

I have a prepared statement on behalf of the council I should like to read, but before doing so wish to make a few remarks.

I think my first observation should be that it is my view that this Commission, having been appointed by the President so shortly after the enactment of the 1952 codification, known as the McCarran-Walter Act, the function of the Commission is to go out into the grass roots, so to speak, and see what the grass roots are thinking about with respect to this legislation, and to bring back to the President some specific, concrete, objective recommendations for the improvement or modification of this bill, and the policies that are included therein, and, thereafter, to make a report, perhaps, to the Congress, or to the country, and depend upon these grass roots, so to speak, to bring it to the attention of the Federal legislators, so that the change may be brought about.

I suppose that nothing has been said—certainly nothing that I shall say has not already been said before, and I think the Congress is well aware of whatever may be said. But I think, also, that the Congress will be responsive to the viewpoints expressed to this Commission under its inquiry into the matter.

I should now like to read for the record my prepared statement.

The CHAIRMAN. You may do so.

Judge RAFFERTY. Within the time allotted me I cannot, of course, make any extended presentation of the matter charged to your study and evaluation by the President. I shall limit myself to a few points respecting the current immigration and naturalization laws as embodied in the McCarran-Walter bill recently enacted in Congress over the veto of the President and which is the present statutory law on the subject.

We first desire to endorse, as though set out herein at length, the veto message of the President sent to the Congress on June 25, 1952, with his return of this bill unapproved by him.

This legislation is unrealistic in its application to the world situation of today; it is contradictory of the great principles of natural law set forth in our Declaration of Independence; it is a variance with, and destructive of, the underlying purposes of the foreign policy of the United States; it is the latest emanation of a condemned and detested principle of racism.

The philosophy of the McCarran-Walter bill would seem to be that the United States of America can continue in the luxury of a sharply

restricted picking and choosing from among the peoples of the world of those who are to be permitted to come to our shores. This concept, if it was not dead prior to 1917, certainly expired with the fall of Kerensky in Russia in that year. With the emergence of communism in Russia at that time all of the easy standards of self-sufficiency and self-complacency of nations were at once destroyed. The conflict there ushered into the world is one which will not be settled by force of arms but, rather, one which can only be settled by the things of the spirit. Thereby, the spirit of our Declaration of Independence setting forth the inherent dignity of the individual, not merely citizens of the United States of America, but of all people, was put directly in issue. Our immigration laws, at that time, became a matter of concern in the conflict and ceased to be an instrument having as its objective only the comfort and convenience of the people of this country.

No one can complain against reasonable and proper restrictions of an immigration law which, although self-serving, are nevertheless, justified by the economy and the peculiar or special interests of a country. But no one who believes in the things which we say we believe in can justify the exclusion of an alien on the ground that he has suffered a conviction at the hands of a Nazi or Communist judge. Nor that his racial ancestry bars him. It seems impossible to justify a quota system contained within legislation enacted in 1952 which is based, among other things, upon the population of the country as of 1920 and then only upon a portion of that population, namely, the white portion. The intellectual dishonesty of these proposals is apparent.

It is respectfully submitted that any quota system which is to command the respect of the people of the world must be based upon the 1950 or current census of the country and must include the black man, the red man, and all other hues as being part of the population, as well as the white man.

This law contains the indefensible principle that those who came to this country under the Displaced Persons Act continue to be a charge against the quota of the particular country of origin until their number has become exhausted. Thus a mortgage of 50 percent of quota is laid against some of these countries for many years. Estonia, Lithuania, and Latvia, for instance, will be burdened with such a mortgage for centuries to come.

Italy, Denmark, and Norway, in spite of the discouraging prospects, have a waiting list of those who would come to this country of from five to six times their respective quotas. On the other hand, only a small portion of the quota allotments to Great Britain, Ireland, and Germany are used. The unused portion of each allotment is canceled at the end of each quota year. If it is agreed that this country can absorb a given number of immigrants per year then there can be no just reason for refusing to transfer these unused quotas to the Danes, the Norwegians, the Italians, the Greeks, the Austrians, the Africans, and others whose quotas not only are mortgaged as above stated but who have long waiting lists of those waiting to come to this country and who, even under the standards of this legislation, are acceptable persons. The provision for cancellation of unused quota allotments rather than transfer thereof to other acceptable persons is a striking instance of the injustice of our immigration laws.

I would like to say a word about the theory of this legislation respecting deportations of those who have been admitted into this country. Legal procedure normal to every other relationship under our system of government is, to all practical purposes, abandoned under our immigration law. Merely to state that the rights of individuals are placed within an all-inclusive discretionary power of an administrative governmental officer with little, if any, opportunity for judicial review of the acts of this administrative officer, is to dam the law under traditional American procedure.

The denial to persons resident within this country of the protection of statutes of limitation and the retroactive effect of new grounds for deportation of those who have established their homes and business and family ties here, to a country they know not but from whence they came many forgotten years ago is violative of the basic principles of American justice. These, with the introduction of a number of other **additional** grounds for deportation present a legislative spectacle that makes the guarantee of privacy and of freedom, native to our Government and of the essence of our fundamental pronouncements of individual right and of due process of law, appear as a mockery to an inquiring and hopeful mind.

The extensive efforts of the United States of America to coordinate the activities of the few remaining free governments of the world; to aid and assist these countries and their respective people in vitalizing the democratic concept; the building up of the military forces of these countries, and the fair promises of hope which we hold out to them, must all fall into the pit of destruction when viewed practically in the revelation of our real attitude as expressed in this immigration law which says to the world that freedom and justice, equality and personal dignity, are for the Americans, but, as to the others who dream of these things, they shall serve only as our first defense against the onrush of communism.

The battle for the mind of man is measurably aided, for the Communist, by the cruel discriminations of our immigration laws.

I am glad that this Commission is facing the task of reexamining our immigration legislation. I hope that all organizations throughout our country will join with the Commission in trying to get a better understanding of the meaning of our immigration legislation. I am sure that once the American people have an opportunity of studying this legislation for themselves that we shall be able to work out a program of immigration legislation that will harmonize with the best traditions of our country, with the needs of our country, and with our position as the leader of the democratic nations of the world today.

This national origins formula, I respectfully submit, is based upon a false, prejudiced viewpoint as to the obligation of this country to the peoples of the world, and when I say "obligation" I mean in the sense that Father Kelly has just referred to it. It is not an obligation in justice, but it is an obligation in charity. It is the Law of God, the law of love for man to man, and what applies to men applies to nations, because, after all, nations are only aggregations of men, and as we have been so blessed, and, as has been indicated, we have a solemn, moral duty, not only to our own people to protect and defend them, but to the peoples of the world who are being driven hither and yon by the monstrosity of atheistic communism.

So I urge upon you, respectfully, that this national origins formula must be changed if we are to be considered as dealing justly with the peoples of the world. It must be changed so that the unused quota may be used every year.

I desire to point out to you that in the years from 1942 to 1951, inclusive, the authorized quotas throughout the world were approximately 1½ million; just a little over a half a million were used, and these was a million unused quotas, which were canceled out. These million unused quotas came, for instance, from Great Britain, from Ireland, from Germany, where more than 50,000 from just in those three countries were unused.

We say to you, respectfully, that these unused quotas should be distributed amongst the other nations of the world, to acceptable persons under the standards of the act—understand me, to acceptable persons under the standards of the act—according as the demand proportionately spread about comes from those countries.

We suggest, further, that the national origins formula should be changed so that it shall be based upon the 1950 or current census, that is to say, the 1962 or 1972, as the decennial census comes along. It should not be applied on the basis on which it is presently applied giving Great Britain, for instance, over 65,000 when Britain uses only a fraction of that number; giving Ireland over 17,000—I don't recall the exact figures—when Ireland has stopped being, to all practical purposes, a migrating country or a migrating people. The Irish are not migrating—their system of law has been changed. They are now permitted to participate in government. They now are acknowledged as the free men that God created them to be, and they are satisfied to stay in Ireland, and with Germany, the whole quota is not used there, and so, therefore, we say that these quotas must be applied to those countries that are needed. And from decennial period to decennial period this formula should be changed, based upon the population of the country, the entire population—not a part of the population—the entire population of the country, having determined, of course, how many we may properly and reasonably admit, upon the demand for visas from those who wish to come here; that is what should determine the situation, not where we arbitrarily say we will take so many English and so many Irish, but how many people, and from where, wish to come to this country.

Now, if they are within the legislative standard, if they are acceptable people, what difference should it make to this country from which country they come? If we say: "We may take 500,000 people," then let's take the 500,000 people according to the demands of people to come into this country.

Commissioner HARRISON. Under the argument you are presenting, why is the selection of any census date relevant?

Judge RAFFERTY. It is of no importance, sir, and I am happy that you asked me the question. The year upon which it is taken, or any other factor which may enter into it, is only the process of arithmetic to determine how many we shall have. That is the only importance it has.

The over-all number is all that is important to me. As a matter of fact, they can take the census in 1780, if they wished, provided the arithmetic formula is applied which brings the result we want.

Commissioner HARRISON. When you referred to the 1950 census, were you doing so on a nationality basis with respect to the other countries?

Judge RAFFERTY. Only, sir, as it goes into the arithmetic of the formula, that's all.

Congress has said we can accommodate so many. My viewpoint is they should be accommodated, and the method of arriving at the distribution and the method of determining that figure is a matter of arithmetic with which I am not concerned.

Mr. ROSENFELD. Within the principles you have stated, do you consider the present over-all quota figure of approximately 154,000 to be approximate?

Judge RAFFERTY. Sir, I must say very frankly and honestly I haven't the slightest idea. After all, I am a lawyer, I am not a social worker nor am I one who studies population trends, nor other things of that kind. I am trying to look objectively at this law to accomplish what I think the law itself should accomplish, and I am trying to give you my reasons from a lawyer's viewpoint for those conclusions.

I don't know whether it should be 100,000 or 1,000,000. I must leave that to others who study those situations.

I have tried to determine on what this national origin quota rests, and the only thing that I can bring my mind to, and it has been stated here before, is that it rests on two things: fear, and prejudice which comes from fear. If there is no fear, there is no prejudice. What you know, you are not afraid of, and so the prejudice is based on fear, and what is that fear?

Well, the fear is, first, there may be too many of another kind of people whom you may not like who will come to this country. That, of course, can be dismissed at once. The next would be fear of competition. Well, why should we be afraid of competition? We boast about the economy of this country. The gentleman who was here a few minutes ago told about our wonderful economy, and how our artisans function and produce all these goods, and he indicated, too, that the supply of these competent persons are dwindling and falling away. Well, now, gentlemen, if it is fear of competition, then I say to you that is the best reason why we should permit these people to come in, because fear of competition admits, as a basic precept the capacity of those who are coming in to do these things, and if they have the capacity, then I say America needs them and America should have them.

I think whatever formula is arrived at it should be adjusted from time to time according to the realities of the situation. I think this business of mortgaging quotas, which comes out of the Displaced Persons Act—I suppose it was the best they could get at the time out of Congress—perpetuated in this act, I think it ought to be repealed outright. These people are here. These people are established here. And the populations of Europe from which they come should not be mortgaged, as they put it.

Now, that, gentlemen, is very briefly what I have to say. I do hope I have said it in some manner that is intelligent and understandable to you.

The CHAIRMAN. Thank you very much, Judge.

Mr. James Wilmeth is scheduled next.

**STATEMENT OF JAMES L. WILMETH, REPRESENTING THE NATIONAL COUNCIL, JUNIOR ORDER UNITED AMERICAN MECHANICS OF PHILADELPHIA**

Mr. WILMETH. My name is James L. Wilmeth. I am an attorney and consultant, and I am here to represent the national council, Junior Order United American Mechanics of Philadelphia, 3027 North Broad Street, Philadelphia, Pa.

I have a prepared statement I wish to read in behalf of my organization.

The CHAIRMAN. We will be glad to hear your statement.

Mr. WILMETH. It is our understanding that your honorable Commission exists by reason of the President's Executive Order No. 10392, bearing date of September 4, 1952, and that your duties as defined in said Executive order are to make a survey and evaluation of the immigration and naturalization policies of the United States, and to make recommendations to the President for such legislative, administrative, or other action as in your opinion may be desirable in the interest of the economy, security, and responsibilities of this country.

Said Executive order calls upon the Commission to give special emphasis and consideration to the requirements and administration of our immigration laws with respect to the admission, naturalization, and denaturalization of aliens, and their exclusion and deportation; and the admission of immigrants into this country in the light of our present and prospective economic and social conditions, and the effect of our immigration laws and their administration, including the national origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of Western Europe and the serious refugee and escapee problems in such areas.

The Junior Order United American Mechanics is incorporated under the laws of the Commonwealth of Pennsylvania. The order of fraternity was organized in the city of Philadelphia on May 17, 1853, and plans to celebrate its one hundredth anniversary in 1953.

I appear before you as a representative of this corporation duly authorized thereto by the national board of officers of the national council, Junior Order United American Mechanics.

Your invitation for our organization to present its views before your honorable Commission at this time and place is duly appreciated.

Our organization has been active in the matter of the restriction of immigration into the United States during the larger part of the history of our order. We were actively interested in the immigration legislation of 1917, which passed both Houses of Congress and suffered the same action by the President as the McCarran-Walter bill by receiving the veto of the then President of the United States. We participated then in an effort to override the President's veto of this measure, the same as we did recently in the action of the President who vetoed this latest immigration bill. We take pride in the fact that the President's veto was overridden by both Houses of Congress, both in 1917 and 1952. We also took an active part in promoting the Immigration Act of 1921 and the act of 1924 which established the national origin quota system.



It will not be our purpose in this brief to review the history of the restriction of immigration into the United States, but we shall confine our arguments to the subjects emphasized in section 2 of the Executive order.

We submit that under section 2 (a) of the requirements of our immigration laws with respect to the admission, naturalization of aliens and their exclusion and deportation is amply and duly covered in the McCarran-Walter bill, and that the provisions of said bill are the result of 3 years' intensive study and survey of the immigration system; the important facts secured by the study of the Senate Judiciary Committee under Senate Resolution 137 are full and complete. In addition to the wonderful array of facts and information the Senate Judiciary Committee assembled, contacts were made by the Senate Judiciary Committee with the departments and bureaus of our Government interested in the administration of our immigration laws, and consultation was held over all disputed points and questions, and in addition the hearings covered the testimony of many witnesses both for and against the measure. We submit that all preliminary work necessary for the enactment of the best immigration law of our national history was made available and used in the preparation of this latest Code of Immigration Laws.

As stated by the President in his announcement establishing your honorable Commission, the Eighty-second Congress devoted much time and effort to the problem of preparing the McCarran-Walter bill. It is worth while to add that the Eighty-first Congress also actively engaged in the same research and survey of the immigration system.

We submit that the admission of aliens is well regulated under the latest general law passed by Congress, and that the selectivity of aliens under the quota system authorized therein will have a far-reaching effect for good because it limits admissions to those who are of good moral character, and who possess special skills, education and culture which will be of far-reaching benefit to American institutions and economy. Other quota immigrants under the bill are selected by reason of family relationships and other unobjectionable features for the most part, though not entirely.

We are of the opinion that no substantial change should be made, or attempted to be made in this measure so far as section (a) is concerned, except that we do believe that improvements can be made in the administration of the immigration laws which we shall discuss briefly. Two departments of the Government are involved with respect to admissions and administration, namely, the State Department and the Department of Justice. Immigration and naturalization is handled by a bureau of the Department of Justice known as the Bureau of Immigration and Naturalization. We advocate no change in the administrative set-up and submit that with Cabinet representation which we consider to be absolutely necessary, rather than an independent bureau of the Government, that the Immigration and Naturalization Service is amply staffed and manned to properly handle all immigration matters under the McCarran-Walter bill, and that there is absolutely no reason for an independent commission to handle any new law that Congress may pass, such as H. R. 7376, but that it should be regulated, controlled, and administered by the Immigration and Naturalization Service under the Attorney General. This means fewer Government

bureaus. It means Cabinet representation and, in our opinion, will conduce to better administration than an independent bureau.

Under the matter of administration we call special attention to the issuance of regulations having the force and effect of law by the Immigration and Naturalization Service through the Department of Justice. The present immigration law does not leave as much room for regulations as certain of the previous laws. We consider that the best administration of the immigration laws will come through the strict enforcement of the laws as they appear in the new statute. We also feel that the naturalization and deportation of aliens is amply and fully covered under the McCarran-Walter bill.

We now come to the discussion of section 2 (b) which deals with the admission of immigrants into this country in the light of our present and prospective economic and social conditions. We beg to submit that we consider the quotas established in the present immigration law ample and sufficient for all needs of our economic and social conditions and our general American economy. We submit that it would be a useless thing to liberalize quotas or to enact special legislation such as H. R. 7376 to admit 300,000 immigrants over and above the quota system because of overpopulation or charitable considerations.

In our judgment, it is a poor policy to enact special legislation authorizing nonquota visas for a large number of people to be admitted as immigrants, and we would consider such action by Congress as a deliberate attempt to break down immigration barriers and to open the doors to immigrants whose services are not needed for the welfare or well-being of the United States. We are strictly opposed to the proposition of relieving overpopulated countries such as Italy, for instance, and call attention to your honorable committee to the fact that we have in the United States overpopulated areas and cities of our own where people live in crowded tenements and many of them in poverty. It is a well-known fact that Italy is an overpopulated country not from infiltration of refugees and escapees but by its own prolific people.

We submit further that there should be no increase over the McCarran-Walter bill quotas for Italy, Japan, Russia, and the Asiatic countries. All of these nations now have a quota and some of them contributed nothing whatsoever to the colonization of America and the establishment of our Government and its free institutions and liberties.

We believe that the quotas in the present immigration law recently passed by Congress are fair and just, and that with the selective system of immigration the United States will receive all of the new blood from the old countries it needs. Certainly we do not wish to admit by special legislation a flood of immigrants who will be in competition with our own working people and whose services are not now urgently needed, and will be much less needed after the Korean conflict is over and peace fully restored. The American people are likely to find themselves in the position of having a horde of foreigners here in this country when peace comes who will have no jobs and will be a burden to the taxpayer by reason of their being on relief rolls.

We have seen the bad effects of unrestricted immigration. We know that there are many people in many lands who want to come to our shores, and we know that some of our overzealous people including certain Senators and Representatives are pleading for their admission

on the grounds of present immigration laws being unfair and unjust. We take no stock in any such arguments and consider them to be only excuses for legislation which will break down immigration barriers and admit aliens, including refugees and escapees whose presence could become a menace to our own people. Of course, these aliens want to come to America and their appeal is something in the nature of asserting a right, but we submit that our own country should be the judge as to eligibility and who may be admitted as an immigrant, and that the present good immigration law establishes in no uncertain terms just who may come and under what conditions.

Section 2 (c) requests your honorable committee to inquire and survey as to the effect of our immigration laws, their administration, national-origin quota on the conduct of foreign policies of the United States and the need for authority to meet emergency conditions.

We are opposed to the establishment of any such policy. It is contrary to the very nature and intent of immigration. We should be the judge and the American people, through congressional legislation, are the judges as to who shall be admitted regardless of what other nations may think about it. It is useless to advocate a plan or system which would grant emergency powers to relieve congestion in foreign countries, or to bring escapees and refugees. We are having trouble here in the United States by reason of the infiltration of communism. We are bidding for more trouble if we liberalize our immigration laws, throw down the bars and let everyone who wants to be admitted come in. We tried that system and had to abandon it. A striking example of how such liberties are abused arose from the Chinese situation prior to the turn of the century when, through the promiscuous and unregulated immigration of Chinese people and their settling together in large cities like San Francisco and New York, they became a menace to our American civilization and, as a result, Chinese exclusion laws had to be enacted. We want no repetition of such conditions.

Further, our order has been active in the suppression of communism. The McCarran-Walter bill is positive in its control and regulation of the admission of Communist followers. We utter a word of warning in connection with escapees and refugees under any emergency or liberalized legislation. We feel that the present law will take ample and sufficient care of all such people.

We submit to your honorable Commission that humanitarian considerations should have no place in immigration legislation. To be sure, we are sympathetic with those who are in trouble which is usually of their own making and not of ours. The United States has never received any substantial consideration on humanitarian grounds but it is constantly extending its benefits to those who are in trouble, but the American people should hesitate before adopting any law which will admit people on the grounds of sympathy rather than merit. What we are pleading for is confining our humanitarian efforts to those people who are embraced within the present statute without the enactment of a special law by Congress.

At a recent charities convention held in the city of Cleveland one of the prominent members of your honorable Commission publicly stated that:

The question before the Commission is whether the framework of isolationism of the past two decades is workable in today's world, and that the Commission

will review immigration and naturalization laws with particular attention focused on the McCarran-Walter bill and America's international position as a result of this law.

He claimed that the door had been shut to Italians, Greeks, and hundreds of displaced persons and escapees from behind the iron curtain. He alleged that the latest immigration law contains "all the prejudices included in the 1924 act and that if anything the law is more exclusive." He advocated the disregard of national origins and to have a new approach and a flexible policy.

If the statements alleged to have been made by this honorable member of your Commission are correct and in any way reflects or speaks for the Commission as a whole, then it is time for the patriotic people who want to preserve our institutions and our American way of life to advise your Commission in no uncertain terms that they will bitterly oppose any such legislation. It is entirely too liberal. It will admit people who would be unworthy of American citizenship and would go a long way toward the destruction and tearing down of all immigration restriction barriers. We want to go on record now with your Commission at this hearing as opposing such liberality in dealing with the important question which affects the American citizenship.

At the Cleveland convention to which reference is made above, other influential American citizens advocated the destroying of quotas established in the McCarran-Walter bill, and the establishment of an overall quota of one immigrant for every 1,000 people making up our entire population. We are opposed to any such action or the establishment of any quota formula based upon any such computation. We believe that the nations who were good enough to give us the solid, substantial, patriotic people who founded this Government ought to have some consideration or favor in the matter of preferential quotas, and that the doors should not be thrown open to people whose chief aim in life is to reach the United States as an alien resident to enjoy its blessings, privileges, and benefits. American citizenship is too precious a thing to be frittered away in any such manner. We hope your honorable committee will entertain no views of this kind when it comes to making up your final report.

It has been alleged that present quotas are unfair and unjust. We fail to see any cogency in any such statement. Quotas were established after long consideration and those nations which contributed most were rewarded for their patriotic efforts. Those who came as pioneers, helped settle, develop, and form the new country are entitled to our everlasting gratitude and, in our opinion, to all preferences which are accorded them in the McCarran-Walter bill.

The restriction of immigration is a fixed policy with the American people and the over-riding of the President's veto in the 1917 and 1952 immigration bills shows that it is not only fixed but is a continuing policy which should not be disturbed or interfered with by reason of exigencies which arise and which is of too serious import to admit to flexibility. The only thing that will satisfy the American people in the matter of the control of the admission of new citizens to this country is a hard and fast law such as we now have on our statute books.

We offer the following suggestions and submit that they are not the views of isolationism but of patriotic American citizens who want to preserve the American way of life:

1. The quota system should not be disturbed. It is selective and will bring in a good class of citizens.

2. Contrary to statements, we submit that aliens who are admitted upon considerations of humanitarianism, or refugees or escapees will contribute but little to the United States either socially or politically or economically.

3. The services of immigrants over and above present quotas are not now needed in American industry.

4. It is a well-known fact that escapees and refugees, or many of them, come from nations which would not receive them back if deported because of violation of our laws.

5. To tear down the immigration bars and admit a flood of immigrants over and above the quotas established in the present law would work a hardship upon our taxpayers and American working people by reason of competition.

6. We suggest that the administration of the immigration system should be placed under the Immigration and Naturalization Service of the Department of Justice. This suggestion does not include the work now performed by the State Department.

Our country fortunately is not bound by law, certainly not by equity or charitable considerations, by the public good to attempt through legislation to relieve overpopulation in any nation. We are unalterably opposed to any legislation of this kind.

The CHAIRMAN. Thank you very much, Mr. Wilmeth.

The meeting will stand in recess until 1:30 o'clock this afternoon.

(Whereupon, at 12:35 p. m., the Commission recessed until 1:30 p. m. of the same day.)



# HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

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WEDNESDAY, OCTOBER 1, 1952

FOURTH SESSION

NEW YORK, N. Y.

The President's Commission on Immigration and Naturalization met at 1:30 p. m., pursuant to recess, in room 1506, Admiralty Court, Federal Court House Building, Foley Square, New York City, N. Y., Hon. Philip B. Perlman, chairman, presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Mr. Earl G. Harrison, Vice Chairman, Monsignor John O'Grady, Dr. Clarence E. Pickett, Mr. Thomas G. Finucane, Mr. Adrian S. Fisher.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order. This afternoon our first witness will be Dr. George N. Shuster.

## STATEMENT OF GEORGE N. SHUSTER, PRESIDENT, HUNTER COLLEGE, NEW YORK, FORMER LAND COMMISSIONER FOR BAVARIA, GERMANY

Dr. SHUSTER. I am Dr. George N. Shuster, 695 Park Avenue, New York City, and I am president of Hunter College. I have prepared a brief statement, and with your permission I will read it.

The CHAIRMAN. We will be pleased to hear it.

Dr. SHUSTER. I shall discuss the problem which this Commission has under consideration solely from the point of view of an exofficial of the Department of State who served for a year and a half in a critical area of Europe, namely Bavaria. Into that region there came during the war and after it many tens of thousands of displaced persons, about 2 million—probably more—expellees from Central Europe, and many more thousands of political refugees from Communist rule. For a time the social situation created by these transfers of people, generally under conditions which left them utterly penniless, was well-nigh catastrophic. And despite the progress since made to alleviate all this human misery, nearly 60,000 persons still live in barracks, while countless others exist on doles in small villages where there is no opportunity to earn a living.

Efforts made by the Government and the people of the United States to help have been very generous, and I am frank to say that without these it would not have been possible to prevent wholesale

death of refugee men, women, and children. In particular, the admission to the United States of considerable numbers of people testifies to the excellent humanitarian collaboration established between public and private agencies. What I shall say about steps forward that could still be taken is not intended to detract in the least from my appreciation of what has been accomplished. This has been a great endeavor, and as an American I am proud of it.

First of all, I am persuaded that our quite understandable desire to exclude pro-Communists and their like has led us to take quite unrealistic views of what average human beings have to do under totalitarian regimes. To believe, for example, that a streetcar conductor in Nazi Germany or a street cleaner in Communist-dominated Poland should be a man of such heroic virtue that he will resist an order to join some party-dominated organization of conductors or street cleaners is, in my opinion, to ignore the needs and limitations of human nature. A totalitarian regime is by definition one which starves the recalcitrant when it does not imprison them or chop off their heads. I am afraid that decapitation will remain an experience to which few people can look forward with relish.

The regulations currently in force have led to situations so ridiculous that they have had to be revised on the spot. May I give you one example, admittedly extreme? The regulation that no one who has ever served a prison sentence could emigrate to the United States led to the temporary denial of a visa to a young widow and mother whose child had been born just prior to the end of the war. She brought the baby home from the hospital and was then indicted for having stolen from the hospital the diaper in which the infant was wrapped. A jail sentence was imposed by a Nazi court, and this was sufficient to hold up the visa.

Naturally, we do not want to admit persons who admit to Communist, Nazi, or Fascist philosophies of life. But when we make the net to catch them so fine that no one else can get through, we are defeating our own purposes. For it is precisely from this group of unfortunate people now congregated without hope in Europe that the America of the future could draw many of its best citizens. And what better defense against communism could we think of than one which is designed to prevent the growth to the point of pestilential virulence of social infections caused by poverty, hopelessness, and heartache?

I therefore propose for your consideration the following changes of attitude: First, any person who since May 1945 has shown by his public and private conduct that he scorned every desire to support a Fascist or a Nazi cause be entitled to consideration for a visa without reference to previous affiliations, provided, of course, he was never convicted of a criminal offense. And insofar as refugees from communism are concerned, I should like to contend that the elaborate screening processes to which they have been subjected by Central Intelligence and other agencies should be accepted at their face value. It may be that a crypto-Communist may still get through, but he would be far less dangerous over here than he is in Western Germany or Western Europe.

Finally, I should like to propose that the quotas, in case we maintain quotas, for the regions affected be increased in number in accordance with the flow of political refugees from Eastern Europe.



That is, if Western Germany gives political asylum to 200,000 persons during the year 1952, we might agree to admit, say, at least 25 percent of that number in addition to the established quotas. I arrive at this figure by estimating that we could absorb that many without any difficulty, and also that this would be our fair share. The plight of decent people from the east in quest of freedom ought not to end in something worse than jail itself, namely, a concentration center in which they are doomed to vegetate without any opportunity or any antidote against despair.

In my opinion, which I give you for what little it is worth, the strength of our country—insofar as it is moral power—lies in the hope which its institutions and its professed political philosophy can enkindle in the hearts of men. At this hour we simply must use this, our greatest treasure, as wisely as possible. I trust, therefore, that your commission will understand me when I say finally that some aspects of our system of immigration legislation have served to advertise to people abroad less our confidence in the future than our distrust in it. It seems to me that this is one kind of advertising that does not pay.

MR. ROSENFELD. Would you be in a position to enlighten the commission, on the basis of your experience, as to what is the impact, if any, on the foreign affairs and the foreign relations of the United States in these immigration areas of your last observation?

DR. SHUSTER. Well, I would say that the most important impact is that made on political refugees; that is, the man who in good faith accepts asylum in the west. As a matter of fact, as you know, he is very frequently attracted to the west by what kind of advertising that we do. Then, when he arrives at his point of destination, which is, of course, some depot of persons into which he is put, unless he escapes and wanders around illegally—then, if there is no opportunity for him to do anything, to go anywhere, find any work, first of all, his own decision in retrospect looks highly questionable; and, secondly, the impact there from where he came is also very, very seriously one of disillusionment and opposition, and we have plenty of evidence to that effect.

The second question that I think I can speak about, as I have in this memorandum I just read, is the question of the manner in which we interpret for totalitarian countries the character of alliance. Naturally, no one of us would ever want to admit somebody who had been genuinely a Nazi, or genuinely a Fascist, who was interested in anti-racial legislation, but the great majority of people there are in a totally different kind of category—they are people, who being civil servants, or one thing or another, were almost automatically inscribed in some organization. So that the moment we make membership in that organization a test of Nazi or Fascist philosophy we exclude many from any further consideration for immigration. In that way, I think we disillusion large masses of people in those countries, make them think that our system of evaluation is too—if I may use a mild term—slightly erratic.

Now I would like to add this, and I think I would like to add it in all fairness: As Land Commissioner for Bavaria, I had quite a bit to do with United States representatives and also with the consuls, and I would like to say that on the whole I think these people did every-

thing they possibly could to circumvent the highly crippling legislation that had been put upon them. So I don't think our bureaucracy needs any reform. I think what is needed is a reform of the legislation by which that bureaucracy is necessarily governed.

There can be no doubt, may I say in conclusion, that this has had a very important impact on the manner in which the peoples of Europe, and I can speak on them, view the over-all policies of the United States.

Commissioner O'GRADY. Can you give us an estimate of the number of German expellees in Western Germany who cannot be absorbed in the German economy?

Dr. SHUSTER. Yes. The great majority of the people who cannot be absorbed are the people who are settled in small towns. As you know, the practice is through the housing authority to assign a man, wife, and children to a person's house in some given town; there they get a couple of rooms. As I went around Bavaria I was, of course, startled by the number of such persons.

Now, unfortunately, we have no statistics that I would recommend to you as being trustworthy. I think, however, I can estimate the number of people who cannot be absorbed among the German expellees as in the neighborhood of 1½ million. Now many of those you probably would not be able to consider for immigration because of the age levels in which they are found. Then, of course, there is another problem, and that is the problem of the relative value to the economy of male workers and female workers. So that the surplus in many respects is largely feminine. The surplus of young workers between the ages of 16 and 22 is not great. The potential surplus of those who are becoming 16 is very substantial, and I think we may say that unless there is another mushroom in the German economy within the next 3 years you will have an employable youth surplus somewhere in the neighborhood of 150,000.

The CHAIRMAN. Thank you very much.

Mr. Frank W. Notestein is our next witness.

**STATEMENT OF FRANK W. NOTESTEIN, DIRECTOR OF THE OFFICE OF POPULATION RESEARCH AND PROFESSOR OF DEMOGRAPHY, PRINCETON UNIVERSITY**

Professor NOTESTEIN. I am Frank Wallace Notestein, and I am professor of demography and director of the office of population research at Princeton University. I am testifying in my individual capacity and have a prepared statement I should like to read.

The CHAIRMAN. You may do so.

Professor NOTESTEIN. I believe I can best assist your deliberations on matters of migration by discussing our population trends in relation to those of the world. In doing so, I should like to touch first on the world situation, second on our recent history of growth, third on our future prospects, and finally on some conclusions that seem to me to flow from the analysis.

The people of the United States constitute a very small proportion of the world's total. In 1950, only about 6 percent of the world's 2.3 billion lived within our continental boundaries. The most important single fact about our relatively small population is that it has inherited

a large country richly endowed with productive soil, industrial raw material, and fuel. We now have only 52 persons per square mile of our land area. By contrast, Europe, outside the Soviet Union, has over 200 persons per square mile, and England, Belgium, and the Netherlands have more than 700 persons per square mile. Needless to say, the latter nations have avoided poverty only because their advanced technology permits them to sell their productive services to the world in exchange for food and raw materials. The major populations of Asia, whose densities are several times our own, live in disease-ridden poverty for lack of both resources and advanced techniques. For example, we have something like six times as much arable land per person as China, whose industrial resources are also poor.

Other large areas of the world are virtually empty, and some of them will remain uninhabited because they are essentially uninhabitable. Still other regions, notably parts of South America, Africa, Borneo, and New Guinea have huge uninhabited regions that might, under suitable circumstances, carry very considerable populations. In a good many cases it is clear that development would require heavy capital investment, for the regions present special problems of climate, terrain, or disease. The empty areas of the world could certainly be utilized much more fully than they are, but speaking in general terms the present sparse populations should be taken as an index of the difficulties to be foreseen in their future development.

Whatever the future may show in such areas, in our own case one fact is clear. The single most important source of our health, prosperity, and power lies in the wealth of our resources in relation to our population. Rich resources plus an advanced technology and a relatively efficient economic organization permit us to produce almost half of the world's industrial output, and nearly as large a proportion of the agricultural commodities that reach the world market, although we have little more than 6 percent of the world's total population. It is highly probable that if we had twice the population we should be both less prosperous and less powerful than we are.

We are a small population, but contrary to the current impressions we are not growing slowly compared with the world as a whole. It is often supposed that the populations of the world's technologically undeveloped regions are growing rather rapidly because their birth rates are extremely high. Growth is rather rapid in some of them. South America, for example, has recently been the most rapidly growing population of all the continents, and it probably will remain in that position for several decades to come. Its very high birth rates are only partially canceled by moderately high death rates. In most of Asia and in much of Africa, however, the very high birth rates are nearly canceled by extremely high death rates, so that growth on the whole is slow. For such huge populations as those of Asia, which contains more than a billion people, even slow rates of growth bring large additions in numbers. The India-Pakistan region, for example, has grown much more slowly than the United States in the last 30 years, but its slow growth has increased its population by more than 100 million.

At present the population of Asia is not growing rapidly because health conditions are so tragically bad. The expectation of life at birth is roughly one-half our own. Another way of saying the same

thing is that it requires about twice as many births a year to maintain a given population under Asiatic health conditions as under present conditions in the United States or in Western Europe. Any time it becomes possible to improve health in Asia rapid increase may be expected. There is every indication that birth rates will remain high for some decades. On the other hand, in recent decades the world has learned how to reduce death rates with almost startling efficiency.

The experiences of Formosa and Ceylon illustrate the case. There, economic development and energetic efforts to control disease have reduced death rates so that the increase has been between 2 and 3 percent per year. Two percent doubles a population in 35 years and trebles it in 53 years. How areas already populated hundreds to the square mile are to absorb such increase is the problem. The great risk, of course, is that the gains in production that make the growth possible will be absorbed by the increase, and that the ultimate result will be larger populations living in much the same conditions of poverty as before. The breaking of this cycle of growth that perpetuates poverty is the greatest single humanitarian problem facing the world today, and it is not being faced with elementary candor in spite of the fact that more than half of the human race is caught in it. Unfortunately the potential for expansion is so huge as to make it unlikely that migration can be a major factor in the general solution.

In Eastern Europe and the Soviet Union population growth, so far as we can tell, is fairly rapid. Both death rates and birth rates are high by our standards, but in recent decades both have been falling. One does not, therefore, look forward to an indefinite period of population increase. Moreover, the regions have the resources and apparently are acquiring the productive skills to support such increases as are in sight. Given decent political management, there seems to be no reason why their epoch of growth should not run its course before resources are very seriously strained.

Japan is in a different position. It, like England, with thousands of people per square mile of cultivated land, cannot live without selling its industrial products to the world in exchange for food. It faces a considerable period of growth. But unlike the huge mainland populations of Asia, Japan's transition to low birth rates has been under way for a generation. Indeed, there is a good chance that this year Japan's birth rate will be lower than that of the United States. Here, then, is a country whose problems would be greatly simplified if emigration could take off some of the increase for a matter of one or two decades.

In Southern Europe a somewhat similar situation is found. In Italy, Spain, and Portugal there are some decades of growth ahead. The growth potential is much less than is commonly realized, for birth rates have been falling fast. Italy's birth rate in fact has been below that of the United States for the last several years. Indeed, a perpetuation of the present chances of birth and death would in the long run lead to a decline in the population of Italy. However, its age distribution is favorable to growth so that growth will probably continue for some decades, and the population is already pressing heavily on its resources. The Italian economy would undoubtedly be assisted by substantial emigration for a decade or so. Even more clearly than in the case of Japan, the need for migratory outlet seems to be of a rather temporary sort.

Western Europe's position is still different. By and large its situation is analogous to our own except that, on the one hand, it is more densely populated and, on the other hand, its prospective increase is slower. Life is efficiently maintained on a rather close balance of low birth and death rates. Indeed, in the depression decade of the 1930's the only countries of Northwestern Europe that were reproducing at rates sufficient to forestall eventual population decline were the Netherlands and Ireland. The special circumstances of the war and the postwar years have brought a remarkable and unforeseen resurgence of births, but one that shows sign of ebbing. In a sensibly organized and functioning world economy, it is not likely that the area would be a major source of future migrants. Its period of almost automatic growth is past. Indeed, France is a major recipient of immigration, and several states of the area have governmental policies designed to stimulate a rise in the birth rate. Political dislocations, particularly in Germany, have created a pool of eligible migrants, but the source lies in the disorganization of the world economy and not in the fundamentals of the demographic position. The problem is an immediate, not a long-range, one.

We may turn from this highly condensed survey of the world to consider our own situation. We have been one of the most rapidly growing populations of the world. Thanks to the possibility of using our natural resources with almost profligate abandon, we supported rates of population increase of about 3 percent per year from 1750 to 1850. Thereafter, our rate of growth fell rapidly. The population increased only at an annual rate of 1.5 percent between 1900 and 1950 but, even so, we virtually doubled our size in the first half of this century. Up to the outbreak of the last World War, however, the rate was falling. In the depression decade of the thirties our annual increase was only about 0.6 of 1 percent. In that decade, too, chances of birth and death were ones that if perpetuated would just about maintain a stationary population in the long run. It was then that most of us who study population trends were predicting slowing growth and perhaps the onset of population decline for the United States in a few decades.

Quickly on the heels of these predictions of an impending end to growth came the most remarkable resurgence of childbearing in the Nation's history. From a depression low of a little over 2 million births a year we jumped to a postwar high of nearly 4 million births. Meanwhile, death rates dropped with remarkable speed. As a result, in the wartime decade the population grew again at a rate of about 1.5 percent per year.

What, then, are our prospects for future population increase? The first thing to note is that the experience of the 1940's is not likely to be continued, and fortunately so. Growth at that rate would give us a population of half a billion within the lifetime of people already born. The main source of the increase was an increase in marriage which came, in turn, from a declining age at marriage. When marriage age stops dropping, that source of increase disappears, and if marriage age should begin to rise, the drop in births might become very sharp. Another source of the increase apparently was the declining popularity of the childless and one-child family. The evidence is not yet entirely clear, but there may have also been some in-

crease in the popularity of the three-child family. At the other end of the scale, however, the evidence is unambiguous. The truly large family has become progressively less popular throughout the upsurge in births. The fact to note is that the increase in marriage cannot be sustained at its past high levels. The high rates of childbearing of the forties could be maintained only if new factors, of which there has thus far been no sign, were to come into play. It is this fact that leads most of us to suppose that the stream of births will shrink during the current decade, and rise again in the 1960's when the large birth classes of the 1940's enter the ages of reproduction.

On balance, and in the absence of a new world war, it seems likely that our population will continue to grow in the foreseeable future, but at a substantially lower rate than during the 1940's. In all probability, I might say, we shall have more than 200 million people by the end of the century. The population then will in all probability have a higher average age than it does at present, but it should still have a rather favorable ratio of persons in the working ages to those in the ages of economic dependency.

What, then, is the meaning of this position for our national prosperity? Well, for the record, I will run through the argument that I am going to say directly—that it is wholly indecisive in its nature. The sheer fact is that no one can prove that we would be economically better off from the point of view of per capita income, maximizing per capita income, if we had 100 million than if we had 200 million, or vice versa. One can talk at great length about it, but the evidence is not something that lies in the field of proof. Strictly from the point of view of a favorable economic position as judged by per capita income, it is most unlikely that there is any advantage in a larger population. The only advantage that flows from larger numbers per se results from the economies of specialization and of scale of operation. It would be very difficult to prove that we do not already have ample numbers to reap such economies. Indeed, we might do so even with smaller numbers than we now have. On the other hand, larger populations do entail progressively heavy drafts on our resources, many of which are in limited supply and irreplaceable. Technological advance in the past has of course often more than canceled the rising costs of materials; new advances in technique will tend to offset rising costs in the future. It remains true that many of the gains used to cancel rising costs cannot be used to improve living conditions.

Apart from matters of size, there is the question of growth itself. A growing population gives a form of mild stimulation to the economy, partly because of the fact that a growing population is younger than a stationary one, and has elements of flexibility that are not present if growth is lacking. It is quite possible that within the range of the probable trends, the advantages of growth might for a time outweigh the penalties of the larger size that growth entails. The penalties, however, would be postponed, not avoided.

All this amounts to saying that no one can demonstrate that our per capita incomes would be improved by having a population over, say, 100 million. On the other hand, neither can anyone prove that the position would be appreciably worse if we were to go to 200 million and perhaps a good deal more. It probably will turn out that a

whole range of factors are going to have such a large effect on our per capita income that the matter of our size within foreseeable limits may be relatively unimportant. Moreover, if one attempts to maximize per capita income to matters of national military and economic power there is something to be said for the higher figure.

With respect to the migration policy of the United States, the factors with which I have dealt, if they alone were involved, would, it seems to me, lead to the following conclusions:

1. At present, from the point of view of our own economic advantage, there is no evidence that we need any immigration to increase the size of our population. It is, however, equally impossible to show that a net immigration of, say, 5 million in the next decade would do the slightest harm so far as numbers are concerned.

2. It would, however, be wantonly reckless of us to endeavor to accept immigration on a scale that would have any appreciable effect on the world's major areas of population pressure. To do so would be to jeopardize our own standards of living without the assurance of rendering appreciable aid to the sending areas. This does not mean that I personally approve of oriental exclusion or of the trivial quotas now assigned to the oriental nations. My hope that these quotas will be relaxed to some extent rests on other grounds than those under discussion here. The fact is that no scale of immigration that would be safe for us will significantly improve the lot of the major populations whose birth rates remain at the high levels characterizing peasant societies throughout the world. An essential part of the solution to their problems of poverty must be the reduction of their birth rates.

3. Within the scope of a reasonably small immigration—one of the general order of 5 million within 10 years—it is possible that a program might be designed that would work to our own advantage as well as to the advantage of selected regions of origin. The rapid current increases of our total population, the high level of civilian economic activity, and the large demands of the Armed Forces are all creating strains in the economy. At the same time the short birth classes of the depression years are cutting the rates of growth of our labor force. A considerable immigration of young workers, particularly in the next 2 or 3 years, could assist in relieving these strains. It would help even out the dip in our age distribution and tend to minimize the chance of a secondary shrinkage of our parental stocks a generation hence.

To draw such workers heavily from the countries of Northwestern Europe, in line with the concept of quotas based on national origins, would probably be impossible except in the cases of the Netherlands and Germany. Moreover, if it were possible, it would probably be disadvantageous to the sending regions. They are in much the same position as we are with respect to the shortage of young workers. On the other hand, to draw such workers from Germany, Italy, and Japan, where they are not efficiently utilized and where temporary relief is needed, would materially help those countries. Other considerations than those of numbers and age distributions are, of course, involved for both the sending and receiving areas. However, the proposition that we should endeavor to utilize our limited capacity for absorption in ways that assist the sending countries over their period of tem-

porary difficulty has strong appeal. From that point of view, our present system of quotas based on national origins has the great disadvantage of permitting immigration from countries that do not need it and of barring immigration from precisely the countries to which it would give the most effective relief.

4. We know so little of what the future will bring that our policies should be kept under constant review.

5. Finally, I do want to emphasize the fact that I was asked to come here as a demographer, and I have discussed the problem from a demographic point of view. In doing so I fully recognize that wise policy must be based on a much wider range of considerations than that to which I have been asked to address myself or than that which I can discuss with professional competence.

Mr. ROSENFELD. Could you compare the relative growth pattern of the United States with the growth pattern of the areas behind the iron curtain?

Professor NOTESTEIN. The areas behind the iron curtain, if one neglects war and assumes that over a considerable time there may come a reasonable political management so that people just aren't slaughtered, those areas ought to grow pretty rapidly. The situation, in principle, is this: Their death rates are still quite high; their birth rates are still very high. Recently we know little about them, but both, over the long pull, say, since 1910, have been declining very rapidly, with the death rate leading the birth rate down, as it almost always does in these transitions. This gap is a very difficult gap to close, even if a nation wanted to, and I have no reason to suppose that these nations do want to close that gap. A growing population having had in the past a high death rate is a young population. It has high proportions of people in the very low ages and rather few at the top. This means that if death rates are brought down these large numbers of births will move into the child-bearing period and these people will then become potential parents. It would likewise affect the arms-bearing period.

In any circumstance, the situation is one that is almost set up for an automatic period of growth of some decades.

Mr. ROSENFELD. What do you estimate the population of the United States will reach by the year 2000?

Professor NOTESTEIN. At least 200 million people. It may well on current census estimates reach 200 million by 1975.

Mr. ROSENFELD. What do you estimate it will be for the iron-curtain area for a comparable period?

Professor NOTESTEIN. I think you can estimate it will go from wherever it is now to the rate of at least 1½ percent per year. It is 200 million now.

Mr. ROSENFELD. Are you saying our population should reach at least 200,000,000 by then, and theirs 300,000,000?

Professor NOTESTEIN. No; their population—the U. S. S. R. population, to the best of one's guess is of the order of 200,000,000 now, plus or minus 10 or 15 million—they don't tell. Now, if it were to grow at one-half of 1 percent per year for over a 50-year period that would be 400,000,000.

I should like to emphasize that is not just behind the iron curtain; that is, the U. S. S. R. within its present territory. I should like to



emphasize that it is not at all a clear question that Russia will be the more powerful or the more prosperous for that growth; in many respects its resource base is not as desirable a base as ours.

Now, I am not expert in agriculture and minerals, and probably you people will have someone testify to you on these, but it is my impression that our agriculture potential is a good deal higher than that of Russia, and that there are a good many high-cost features in the location of their iron and their coal. That doesn't say for a moment that Russia cannot support that sort of increase; it probably can, and probably at a good deal better living level than it has now. But I suspect that Russia would be both more prosperous and the more powerful if in 50 years it did not have to double its already pretty large population.

Commissioner FISHER. Professor NOTESTEIN, will you explain again the special factors that make you think that within what you referred to as the "scope of a reasonably small immigration" in terms of United States capacity to absorb, it could be advantageous to both the United States and some countries burdened with overpopulation, while not to other overpopulated countries?

Professor NOTESTEIN. In the general transition from the present modern period of societies that maintained their populations on the basis of extremely high birth rates canceled out by extremely high death rates—in the transition from that situation, which was ours some hundred or so years ago, to the modern situation of the advanced countries of low birth and death rates, the death rate always leads the trend, leads the birth rate down, for a very simple reason: People all agree they like to stay alive, and this is a very universal want around the world. There are no substantial social inhibitions to keeping alive. People do not all agree that it is a good thing to have small families; on the contrary, many cultures are organized in ways that give you large families.

Now, to reverse this deeply laid social value that produces the big families into one that prefers small families almost always takes time. So, the transition of birth rates from high to low lags a great deal behind the transition of the death rate from high to low, and out of that lag comes the modern epoch of growth in which populations of European extraction have gone through about a sevenfold increase in, say, 300 years. That is the source of the sort of world explosive growth of population. Now I only specify that to point out that some countries are in one position on that general transition, and others are in another.

Now, in the case of such areas as Italy and Japan, which I happen to have selected out, that transitional growth is getting close to pass. A generation ago, two decades ago, Italy was still growing with a rather wide margin between these two, but I suspect I surprised a few of you when I pointed out that as of today Italy's birth rate is below that of the United States. There is a rather good chance that this year Japan's birth rate will be below that of the United States. I may say that in both cases some economic prosperity would probably bring those birth rates back up again, and our birth rate is a little unusually high.

Nevertheless, the accommodation to a general pattern of low birth and death rate is well under way in this country; so, if one views the problem of whether immigration will help, you are not fishing out of

an endless stream. If we try to absorb immigration from India today, it would be like trying to empty a stream with a dipper—the more you took, the more there would be, and you solve no very long-run problems for those countries. In the case of Italy and Japan and other countries of this sort, it is not an endless growth. Now, it just so happens that the past events have left them pretty heavily concentrated in the young ages, and that their economies and resource bases aren't in sorts of situations that permit a very effective use of those people. It would help if we could take over some of the crest of this transitional growth by utilizing some of their younger workers, and that would happen to fit into a notch that is in our age distribution produced by the shortage of births in the depression years. We have a gap in there that will produce a secondary gap a generation hence.

I think it would help them to some extent, and it would help us to some extent. I think it would help them, because this is a matter of two or three decades, and it is a matter of peculiar urgency when the world economy is not in a position to function effectively.

The CHAIRMAN. Thank you very much.

Is Mr. Emmet here?

#### STATEMENT OF CHRISTOPHER EMMET, EXECUTIVE VICE CHAIRMAN, AID REFUGEE CHINESE INTELLECTUALS, INC.

Mr. EMMET. I am Christopher Emmet, executive secretary of Aid Refugee Chinese Intellectuals, 537 Fifth Avenue, New York City. I represent that organization at this hearing.

I have a statement I wish to read.

The CHAIRMAN. You may do so.

Mr. EMMET. Aid Refugee Chinese Intellectuals was organized last February to help relieve the terrible problems caused by the great flood of refugees from Chinese communism now in Hong Kong. Our chairman is Congressman Walter H. Judd of Minnesota, who for 10 years was a medical missionary in China. Ours is a strictly non-partisan committee. Among our sponsors are General Marshall, General Chennault, Senator Douglas, Senator Taft, Senator Duff, former Governor Edison of New Jersey, Admiral Nimitz, and President Green of the American Federation of Labor. I am the executive vice chairman. Our aims are set forth in the following memorandum:

##### STATEMENT OF PURPOSES OF AID REFUGEE CHINESE INTELLECTUALS, INC.

The Committee to Aid Chinese Intellectuals is a nonprofit, nonpolitical, non-partisan, nonsectarian voluntary relief agency, organized for the following purposes:

1. To provide material aid and arrange resettlement and rehabilitation of Chinese intellectuals who are destitute, ill, or in danger as refugees from totalitarian oppression.

2. To administer such relief within the framework of this very broad criterion without discrimination or preference among the numerous legitimate varieties of democratic and non-Communist views.

3. To direct public attention to the plight of all such oppressed and imperiled people in Asia with a view toward mobilizing aid.

4. To receive funds for the promotion of the above-enumerated purposes and to expend, contribute, and disburse funds for such purposes either directly or through other agencies, organizations, or institutions.

May I call to your attention a pamphlet containing a message on the problems of the refugee Chinese intellectuals<sup>1</sup> and these two clippings from the New York Times.

(The two New York Times articles referred to are as follows:)

[The New York Times, August 5, 1952]

FORMOSA TO STUDY REFUGEE PROBLEM—COMMITTEE IS FORMED TO HELP UNITED STATES GROUP FIND JOBS FOR 20,000 NOW IN HONG KONG

HONG KONG, August 4.—A committee headed by Dr. Han Lih-wu, the former Minister of Education, has been established in Nationalist Formosa to survey employment possibilities there with a view to resettling at least some of the thousands of Chinese intellectuals stranded in Hong Kong as refugees from the Communist-held mainland. Dr. Han's group consists of 15 Chinese and American members.

Announcement of the formation of the committee was made here today by Harold L. Oram, a special representative of Aid Refugee Chinese Intellectuals, Inc. The refugee group, which is headed by Dr. Walter H. Judd, a Republican Representative from Minnesota, is a nonpartisan volunteer agency that was established in the United States in February for the relief, resettlement, and rehabilitation of the hard-pressed Chinese intellectuals.

Mr. Oram, who had just returned from a visit to Formosa, said he was encouraged by the sympathetic attitude of the Chinese Nationalist officials in Taipei. He expressed hope that the intellectual refugees for whom job openings are found in Formosa would get entry permits quickly once they passed a security check.

MORE THAN 20,000 REGISTERED

More than 20,000 displaced Chinese intellectuals now are registered with the refugee group's Hong Kong office. According to an organization spokesman here, indications are that "not more than 10 percent" are employed.

Exiled from the mainland for various reasons, including revolutionary upheaval, personal danger, fear and distaste for the new regime, many of them either are huddling with friends and relatives or living in squatters' shacks in this overcrowded British colony. A number of university graduates and their families are doing embroidery work for 26 cents a person a day. Others are scratching for wolfram (manganese ore) in the New Territories area of the colony and some are taking casual jobs as coolies.

When the refugee group first began registering displaced intellectuals here last February, it defined him as a displaced Chinese, who had had at least 2 years of college or its equivalent. At first the intellectuals held back partly—as the group's office here explains it—for reasons of fear, and partly for reasons of dignity. Then came a flood of applications.

Since February, 11,000 out of 20,000 applications have been processed. Among the first 10,000 applicants whose forms were processed, 14.88 percent were listed as educators and writers; 4.61 percent as technicians; 36.4 percent as professionals; 40.16 percent as former military men, and 3.69 percent as former police officers.

The United States has only a small quota of Chinese immigrants. The American aid group is seeking to set up various local projects to help rehabilitate the intellectual refugees, but the projects promise to absorb only a small percentage of them. Meanwhile, after 5 months, applicants for resettlement have started to become disillusioned over their prospects.

An American university professor who has just finished investigating their plight observed:

"These people no longer care about being intellectuals. They just want to live."

<sup>1</sup> Message on Refugee Chinese Intellectuals, Aid Refugee Chinese Intellectuals, Inc., 537 Fifth Avenue, New York 17, N. Y.

[The New York Times, August 6, 1952]

## PEIPING EYEING JOBS FOR EDUCATED, IDLE—RED CHINA PLANS FOR CENTRAL ALLOCATION OF LABOR TO ATTAIN GOAL OF "FULL EMPLOYMENT"

HONG KONG, August 5.—Unemployed workers, intellectuals, former Nationalist military men, and vagrants are scheduled to be registered in Communist China and assigned to jobs through a network of labor-placement committees to help achieve "centralized allocation of the labor force" under a policy of "full employment." Preparations for the registration project were disclosed today by the Peiping Government's Hsinhua News Agency.

The centralized placement of personnel already is operating in China with regard to college graduates. Distribution committees have been organized in institutions of higher learning to conduct "ideological education" among graduates and assign them to jobs in which they will be most useful.

The unemployment registration plan calls for setting up labor placement committees in administrative regions, provinces, and municipalities throughout the country, according to the Peiping report. A national committee to supervise the project has been established in Peiping, under the chairmanship of Li Wei-han, Secretary General of the Cabinet and head of the Communist Party's united-front department.

The plan was endorsed by Premier Chou En-lai's Cabinet July 25 following the submission of an unemployment report by the Minister of Personnel, An Tse-wen, who was said to have estimated that 3,000,000 persons were out of work in China but contended that the number of employed was higher than at any time in Chinese history.

The Personnel Minister reported that during the last 3 years 1,000,000 unemployed workers had been reemployed, about half of them in state industries and mines, while another 1,000,000 intellectuals had found work through Government assistance. He attributed continuing unemployment to such factors as inadequate technical knowledge among intellectuals, elimination of "speculation and decadent living," and lack of sufficient rural land after the carrying out of land reform.

The Minister called for "absorption, education, reform, and utilization" of intellectuals still without employment to help meet the needs of economic development. He said that even those whose "historical background" was "more or less questionable" would be accepted provided they "admit their past."

Mr. EMMET. The normal population in Hong Kong of 800,000 has now been swollen to 2,000,000 by refugees from Communist persecution. Among these refugees are approximately 15,000 of the former leading intellectuals of China—educators, scientists, writers, lawyers, doctors, engineers, and other technicians. They represent a pool of talent and experience which is the future hope of a free and democratic China, a pool which is now rotting away in Hong Kong in terrible destitution. They constitute the most neglected and ignored group of refugees in the world. The only haven where some of them are welcome is in Formosa, which takes as many as it can, but it is already overcrowded.

The purpose of our committee is to move these intellectuals to places where they will have a chance to use their skills and experience in the interest of the Free World. Among them are thousands of students who have no chance to complete their education unless they return to Communist China. For that reason alone, many of them do so, and are lost to us.

Now, as to my recommendations on behalf of our organization:

(1) The interest of our committee in these hearings is threefold. First, we would like to appeal for a more lenient application of the provisions of the present laws set forth in paragraphs F and H of section 101, under title I of the new immigration law. These paragraphs concern the circumstances under which foreign students may enter for study in America, and under which technicians of distin-

guished merit may come to take temporary jobs in this country, or technicians who may come as industrial trainees.

Our committee feels that the interpretation and enforcement of the immigration law in regard to these categories of temporary visitors has in many cases been unduly severe as regards Chinese now in Hong Kong. It is often assumed by the consular officials that the visitor intends to misuse his temporary entry permit to stay permanently in the United States, even when the evidence does not justify that assumption. I cite one example here of the many in our files.

The example I submit to you in writing sets forth the correspondence concerning a 15-year-old girl who has been given a scholarship in a religious school in New Jersey. Most of her family, her parents, are in Hong Kong, but because of the fact that this girl has two sisters in this country—I don't know for what reason—it is assumed by the officials that this girl of 15 is not going to return to her parents in Hong Kong.

It is a question of interpreting, in other words, the law, and we feel, in some cases, far from giving the benefit of doubt to the honesty of the applicant. They usually seem to assume the most suspicious attitude.

We have had some improvement in Hong Kong lately in some of these cases, so I don't want to appear to be criticizing the local officials in Hong Kong. It is a question of whether the directives from Washington under which they are operating could not be somewhat relaxed in regards to interpretation of this law.

(The example above cited by Mr. Emmet is as follows:)

HONG KONG, July 19, 1952.

SISTER JANE PATRICIA, C. S. J. B.,

*Secretary to the Sister Superior, St. John Baptist School,*

DEAR MADAM: Many thanks for your letter of June 30, 1952, enclosing a letter of admission for Jean.

Your first letter of admission, together with Jean's visa application and other documents, was sent to the Hong Kong American consulate general on June 23, 1952. On July 10 Jean was notified to see a vice consul, so I accompanied her to the consulate. We were informed that the consulate was not prepared to issue Jean a visa to the United States because he suspected that she probably would permanently stay in America. How can we prove that our intention is otherwise? I have known many similar cases. The consulate decided that such cases belong to immigration cases rather than those of students. It seems that by lumping all such cases as immigration ones the consulate can prevent young people to study in the United States. But I do not think this is the policy of United States Government.

Yesterday the Aid Refugee Chinese Intellectuals, Inc., advertised that they would help people who have scholarships to the United States to get their visas. I am now depending on their intercession on Jean's behalf with the American consulate. We earnestly hope that the organization will be successful on her behalf, and not only Jean can join your school very soon but many other young Chinese have the same privilege to study in American schools. I am eager to send Jean over to the United States because I want her to have a good and Christian education, which she cannot have now in China or Hong Kong. Enclosed herewith is a copy of my letter to Aid Refugee Chinese Intellectuals, Inc.

Jean and I are very grateful to you for promising to grant her a scholarship at your school. In order that we may approach the consulate better armed with documents, would you send us by air mail a letter addressed to the American consul general in Hong Kong, informing him that Jean has been granted a scholarship.

I shall write you again about the progress of Jean's application from time to time.

Yours sincerely,

(Signed) TSINFORN C. WONG.

## THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

AMERICAN CONSULATE GENERAL,  
*Hong Kong, August 27, 1952.*

Mr. TSINFORN C. WONG,  
 16A Mount Davis Road, Hong Kong.

DEAR MR. WONG: I have received your letter of August 22, 1952, concerning the visa case of your daughter, Miss Jean May Wong.

The consulate general does not feel that the facts in this case have materially changed since it was forced to refuse your daughter's application, and therefore does not agree that the case should be reopened.

Please be assured that every consideration was given your daughter's application.

Very truly yours,

(Sgd) ROBERT J. BALLANTYNE,  
 American Vice Consul  
 (For the Consul General).

HONG KONG, *September 6, 1952.*

Sister JANE PATRICIA, C. S. J. B.,  
 Secretary to the Sister Superior, St. John Baptist School,  
 Mendham, N. J., U. S. A.

DEAR MADAM: Thank you for your kind letter of July 25, 1952, together with your notification to the American consul general, Hong Kong, of a scholarship grant for Jean.

Upon receipt of your letter, I wrote to the American consulate here and handed in the scholarship-grant certification letter, and asked them to reconsider Jean's application for visa. They turned it down again in writing on August 27, 1952.

Then I visited Mr. W. J. Howard, assistant director of Aid Refugee Chinese Intellectuals, Inc., here. He told me that he had contacted many times with the consulate here on account of this problem and that the American consulate here is tied down by regulations from the State Department. The Aid Refugee Chinese Intellectuals, Inc., here have sent all similar cases to their New York office for appeal to the State Department in Washington. We have to wait for good news.

I have asked my friend, Dr. Milton T. Stauffer, general secretary of John Milton Society for Blind in New York, who is a personal friend of Congressman Walter Judd, the chief sponsor of ARCI, to find out from ARCI New York office whether he could give some help in Jean's case.

I should be much obliged to you if you could write to ARCI, 537 Fifth Avenue, New York 17, or to Senators, Congressmen, or any one who has influence with the State Department, to explain Jean's case to them, so that not only my daughter but also many young Chinese may have a chance to get a good education in your country, which in later days they can help the reconstruction of our country along democratic lines. Words cannot express my gratitude for this additional favor.

The vice consul in charge of Jean's case verbally told us that he could not give Jean a visa because, he said, Jean would stay permanently in America. This is rather a sweeping and unreasonable assumption on his part. But in his letter turning down the application he did not mention any reason for his decision. I am sending you a copy of his letter.

Thanking you so much for the trouble, I remain,

Yours respectfully,

(Signed) TSINFORN C. WONG.

HONG KONG, *September 8, 1952.*

Sister JANE PATRICIA, C. S. J. B.,  
 Secretary to the Sister Superior, St. John Baptist School,  
 Mendham, N. J., United States of America.

DEAR MADAM: It was so kind of you to admit me in your school and to grant me a scholarship. I cannot use any words to express my gratitude.

I eagerly wish that I could come to your school at this fall. It is impossible now, as I still haven't got my student visa to United States of America. Yet, I do anxiously hope that I can come at the spring term of 1953. I hope you will still

reserve a vacancy for me. I shall continue to study in St. Clare's School this fall. I enclose herewith my photostatic copy of my school report for 1951-52.

The American consulate here refused to give me a student visa simply because they think I am going to stay in the United States all my life, which has already been stated in my father's letter to you.

Their reason is not true. I come to the States to learn and to get good education, not to stay for life. As I am a student, I have no desire to stay in the States all my life. After all, there is no one who wished to stay in a foreign country all his life. Every one wants to work for his own country, and so am I.

Certainly I shall stay in the States 4 or 5 years long, until I am graduated. Then I am sure to return back to the mainland of Republic of China, or Taiwan. As China is so backward, she needs our work. She needs those who gain knowledge from the big civilized country.

I sincerely hope you will grant me a reply.

Yours respectfully,

(Signed) JEAN M. WONG.

Mr. EMMET. (2) The second interest of our committee does not concern the enforcement of the present law but would involve new legislation. We believe that, just as the United States passed special legislation under the Displaced Persons Act to admit a certain number of homeless victims of Nazi and Communist persecution in Europe, so we should now adopt special legislation to admit a limited number of refugees from Chinese communism. Failure to do so can only be regarded as discriminatory, and is so regarded in Asia. It confirms the suspicion of racial prejudice against orientals by the white man, a suspicion which is constantly exploited by the Communists throughout Asia. This constitutes the greatest single obstacle to united resistance to Communist aggression in that vast area of the world.

Our committee realizes that, because of the greater differences of language, culture, religion, and economic standards of living, we might not expect to absorb and assimilate refugees from the Orient quite as easily as we absorbed refugees from Europe, although the difficulties and differences tend to be greatly exaggerated. But we feel very strongly that at least several thousands of scholars and technicians could easily be absorbed and would immensely enrich America's cultural life, and contribute both to our economy and defense effort. We believe that for political and moral reasons such a gesture—even if it were only a token gesture in terms of the vast number of refugees seeking asylum—would immensely strengthen America's political and moral position in Asia. Moreover, if the United States were willing to make such a gesture, it would greatly strengthen the ability of our committee to find asylum for these refugees in other countries. In this case, as in that of European refugees, America as the most powerful country must set the example if these people are to be saved.

(3) For the same general reasons which prompt the above recommendation, we urge the enlargement of regular immigration quotas for friendly oriental countries, which are now frankly discriminatory on racial grounds. Even on the basis of the "national origins" principle, which is questionable in itself, the Chinese and Japanese quotas should be considerably larger than they are.

(4) Finally, I would like to endorse the proposal made this morning by Mr. Sterling Spero of the International Rescue Committee (of which I am a director), calling for stronger provisions to guarantee the right of asylum against deportation to totalitarian countries. The terrible persecutions now taking place in Communist China exceed in horror even those in other Communist countries.

Commissioner FISHER. What is the view of your organization with respect to that provision in the new law which charges to the Asia-Pacific triangle quota area persons born in other countries who are one-half or more oriental in ancestry?

Mr. EMMET. We would like to see that provision changed. If it would be possible for us to submit additional recommendations, I would like the opportunity to do so.

The CHAIRMAN. We would be glad to receive them. Thank you very much, sir.

STATEMENT SUBMITTED BY WALTER GALLAN, EXECUTIVE DIRECTOR, UNITED  
UKRAINIAN AMERICAN RELIEF COMMITTEE

Mr. ROSENFELD. I would like to read into the record a telegram received from Dr. Walter Gallan, executive director, United Ukrainian American Relief Committee, who is unable to appear personally owing to illness.

The CHAIRMAN. You may do so.  
(The telegram is as follows:)

OCTOBER 1, 1952.

Due to illness, unable to appear at the hearing. The full membership of the United Ukrainian American Relief Committee and its board of directors wishes to go on record as to supporting fully President Truman's message to Congress of March 24, 1952, re current necessity of supplementing immigration law.

Respectfully,

WALTER GALLAN,  
*Executive Director.*

STATEMENT SUBMITTED BY MERWIN K. HART, PRESIDENT, NATIONAL ECONOMIC  
COUNCIL, INC.

Mr. ROSENFELD. Mr. Chairman, I would like permission to read another telegram into the record from Merwin K. Hart, president, National Economic Council, Inc., Empire State Building, New York.

The CHAIRMAN. You may do so.  
(The telegram is as follows:)

SEPTEMBER 30, 1952.

Your invitation to appear before your Commission today or tomorrow was duly received, and I acknowledge also Mr. Shirk's telephone message this afternoon. It will be impossible for me to appear, and I can tell you my view as well by telegraph. This view is that the study of the immigration problem by the McCarran committee was one of the most thorough ever carried on by a congressional committee, lasting nearly 3 years. The Congress passed the bill the McCarran committee recommended, and then repassed it over the President's veto. I believe the McCarran Act should be given full trial before any change is made in it. If not, why have a subject exhaustively investigated by a congressional committee? Will you kindly enter this telegram in the record?

MERWIN K. HART,  
*President, National Economic Council, Inc.,  
Empire State Building, New York, N. Y.*

STATEMENT SUBMITTED BY CORLISS LAMONT

Mr. ROSENFELD. Mr. Chairman, may I ask also for inclusion in the record of a statement submitted by Mr. Corliss Lamont and a statement by Mr. John Lenow, vice president of the Latvian Relief, Inc.

The CHAIRMAN. Both may be inserted in the record at this point.



(Statement submitted by Mr. Corliss Lamont is as follows:)

NEW YORK, N. Y., September 29, 1952.

Hon. PHILIP B. PERLMAN,

*Chairman, President's Commission on Immigration and Naturalization,  
Federal Court House, Foley Square, New York, N. Y.*

DEAR SIR: As candidate for United States Senator from New York State on the American Labor Party ticket, I wish to inform you of my objections to the McCarran-Walter Immigration Act.

The McCarran-Walter Immigration Act, like the McCarran Internal Security Act of 1950, sets up rules and regulations clearly violative of the Bill of Rights and the great American tradition of democracy. While eliminating the Oriental Exclusion Act of 1924, this new act puts into effect other discriminations against persons of Asiatic ancestry entering the United States and against Negroes born in Carribean colonies. At the same time the act perpetuates the discriminatory quotas against immigrants from southern and eastern Europe, in effect treating the inhabitants of these areas as inferior persons.

This 1952 Immigration Act gives to the United States Attorney General such wide and sweeping powers in deportation and exclusion cases that he is able to become virtually a dictator in this field. For example, the Attorney General is empowered to deport any alien who has engaged or has a purpose to engage in activities "prejudicial to the public interest" or "subversive to the national security." These vague provisions, as President Truman pointed out in his veto message depart "from traditional American insistence on established standards of guilt." Embodied firmly in the act is the spirit of the present United States Government witchhunt against Communists and other alleged subversives. Provisions along this line are so drastic that the sort of dissenter who has been the glory of America is barred from entering our country or becomes deportable if he is an alien.

The McCarran-Walter Immigration Act is in fact, so bad that amendments cannot possibly suffice to correct it. The whole act should be repealed.

Very truly yours,

CORLISS LAMONT.

STATEMENT SUBMITTED BY JOHN LENOW, VICE PRESIDENT, LATVIAN RELIEF, INC.

(The statement submitted by John Lenow, vice president, Latvian Relief, Inc., is as follows:)

LATVIAN RELIEF, INC.,  
New York, N. Y., October 1, 1952.

Latvian Relief, Inc., deeply appreciates the establishment of the President's Commission on Immigration and Naturalization to study the current United States policies, law, and procedures of immigration and naturalization.

Let me mention first the present quota system and its limiting effects on Latvian emigration to the United States.

The immigration law of 1924 established a Latvian yearly quota of 236, and the newly enacted McCarran-Walter Immigration Act of last June 27 does not increase this quota.

Moreover, the displaced persons who arrived under the Displaced Persons Act (Public Law 774) have mortgaged 50 percent of this quota far into the next millennium. This means that only 118 visas are available for Latvians each year at present.

Because of this situation many Latvians who fled the Communists are not able to join their families and relatives in the United States.

The Displaced Persons Act has eased very much the situation in the displaced persons' camps in West Germany, Austria, and Italy. Some 40,000 Latvians who fled the Communist invaders were admitted under this generous law and have been successfully resettled in the United States.

But there are about 30,000 anti-Communist Latvians still in Germany, other European countries, Australia, Canada, and South America. The majority of these refugees are not firmly resettled, and their hopes for resettlement in the United States vanished with the expiration of the Displaced Persons Act on December 31, 1951.

There are about 1,500 Latvian displaced persons in Europe who had received home and job assurances under the DP Act and were in various stages of processing. Many had been cleared for immigration—some had visas issued, only to

have them revoked at the last moment because the number allowed under the DP Act had been used up.

Although it is important for the needs of normal immigration to lift the present Latvian quota mortgage and at least to double the annual Latvian quota of 236 visas provided in the McCarran-Walter Act, and although it is important, in addition, to pool the unused quotas and use them for Latvians and other nationalities with inadequate quotas, it is even more important to provide a substantial remedy for the pressing problem of refugees from communism.

This problem is an emergency problem and it can be solved only by emergency legislation.

On behalf of Latvian Relief, Inc., I respectfully submit that the emergency problem of refugee resettlement cannot be solved by changes or amendments of the basic quota provisions of the McCarran-Walter Act.

This special problem requires special legislation, for which the Public Law 774, as amended, provides in principle a tested and most successful precedent.

Therefore, on behalf of Latvian Relief, Inc., I respectfully submit that the solution of the refugee problem be sought at the earliest opportunity by special legislation to admit 100,000 refugees and displaced persons per year, for a period of 3 years, as proposed by President Truman.

The problem is urgent. At the present the doors of our great and glorious country are practically closed to the victims of the Communist conspirators in the Kremlin.

Our struggle against the enemies of mankind will be strengthened and our moral leadership of the free world will be measurably increased if we reopen our doors to these confirmed opponents of communism and all its works.

Respectfully submitted.

JOHN LENOW.

*Vice President, Latvian Relief, Inc.*

The CHAIRMAN. Mr. George A. Polos is our next witness this afternoon.

#### STATEMENT OF GEORGE A. POLOS, REPRESENTING THE ORDER OF AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. POLOS. I am George A. Polos, 85 John Street, New York City, and I am here to represent the Order of AHEPA, which is the American Hellenic Educational Progressive Association, with headquarters at 1420 K Street NW., Washington, D. C.

I wish to submit for the record a prepared statement on behalf of AHEPA and then make a few remarks.

The CHAIRMAN. You may do so.

(The statement submitted by Mr. George A. Polos in behalf of the Order of AHEPA is as follows:)

In his several messages to Congress, President Truman has treated our immigration and naturalization policies so thoroughly and so clearly that it is very difficult and hardly possible for anybody else to say anything new on any phase of these subjects.

Our present laws and policies appear to be based on the assumption that no honest, hardworking, freedom-loving person in the world would attempt to enter the United States for permanent residence.

The American consulates, everywhere, are required to presume that anyone applying for an immigration visa has some evil design for the destruction of the Government, industry, and morality of the American people. Every applicant is immediately shouldered with the burden of proving—to the satisfaction of the consul, to the Attorney General, to the Secretary of State, to the Secretary of Labor, and to the President of the United States—that he does not plan any harm to the American people and Government, and that he is not likely to acquire any habits or notions, or to make any mistakes which may reduce him to a state of poverty and want.

After the prospective immigrant complies with these requirements and is admitted, his conduct here is not judged by the regularly established system of

determining justice before the open courts of the Republic, but he is subject to the rules, regulations, and discretionary sensibilities of the Attorney General. This does not mean that the Attorney General, or the Secretaries of State, Labor, or Commerce, are personally cognizant of how the alien's case is handled and decided. The alien's accusers, prosecutors, judges, juries, and executors of the sentence passed against him are the agents and employees of the Immigration and Naturalization Service. It often happens that all of these functions are performed by one and the same person.

Even after the alien is admitted to citizenship, he is immediately subjected to special laws which operate to his special disadvantage and to the disadvantage of his American-born children. These laws do not apply to all citizens—only to naturalized citizens and to their children.

There is only one way to equality under the law, and that is to have one standard, one system of dispensing justice and meting out punishment to all persons alike within the jurisdiction of the United States. Likewise, there is only one way to avoid the stigma of having second-class citizens in America, and that is to have no laws which do not apply to all citizens alike.

The basis for immigration quotas should be brought up to date and should be automatically adjustable after specified intervals of time. It is wrong to assume that present-day conditions and facilities for the assimilation of certain nationals into American ways of life are the same as they were in 1900 or 1920. Not only the condition, but the character and status of nationalities have changed—have greatly improved—since those years.

While I cannot speak with authority regarding the needs of all countries and peoples of the world, I can speak about the needs of Greece and her people who fought so valiantly and suffered so long and so much for the same principles of freedom and justice as our own. I know a great deal about the Greek people because I was born there, have followed their progress and their injuries, and have visited Greece before and after the catastrophes of war.

Greece is a small, rough, rugged, and dry country, smaller than Arizona, trying to support 7,000,000 more people than live in that rich and prosperous State of the American Union.

The soil of Greece, due to erosion, unpreventable because it is stony, and due to lack of rain during the growing season, is not fertile. It produces little with great labor. It hardly produces enough to keep the farmers themselves in food for more than 6 months of the year.

This condition has grown worse since the war against the Communists which the Greek people were compelled to fight immediately after their heroic struggle against the invasion of their country by the Axis Powers.

These wars, especially the one against the Communists, compelled the evacuation of whole towns and districts. This was done under the advice and command of the American strategists with the American Mission for Aid to Greece. Their homes, farms, and villages became the battlefields of all-out war and extermination. When it was over, there was nothing left to which the people could return, and they had no materials, no tools, and no money with which to rebuild. They remained in the larger cities to which they were taken, living from hand to mouth, in makeshift tents and shanties, constituting a grave and dangerous menace to the health, morals, and freedom of the entire country—if not of the world.

The conditions of human misery existing in Greece, as I know them, and in other countries, as I am reliably informed, are neither right nor natural. They are the direct product of our common fight for freedom. These people are casualties of the war which the American soldiers fought for the protection of our own homes and ways of life here.

The state of mind created by the hapless plight of these people—our allies of yesterday—is a fertile field for communism and other subversive teachings. When the average American thinks of communism, he thinks of what he would lose if such a calamity overcame this country. The more he has to lose, the more vigilant he is. Other people in other countries are not different in this respect. They, too, weigh the advantages and disadvantages of political changes in terms of relative benefits—prospective gains and losses—to them. When a person has nothing to lose by submitting to bright and rich promises, he is more than likely to accept the promise of something for the nothing that he has.

Aside from the good that the admission of a substantial number of selected immigrants will do to them, their services are sorely needed by America. The help-wanted ads of every paper in the country are daily testimonials of the scarcity of labor—skilled and unskilled. Despite the special inducements offered

by large and reliable firms—high wages, good conditions, sick and vacation leaves with pay, free medical services, group insurance, and any number of special inducements—they are not able to attract the number and quality of workers needed in the business.

The admission into the United States of a substantial number of able-bodied, honest, and industrious people, yearning for a chance to establish their homes and families in America, will help everybody and everything, and will hurt no one.

Mr. POLOS. I want to thank the Commission for giving our organization the opportunity of appearing before you for a few remarks. I will confine myself only in reference to Greek cases because I happen to have been born in Greece. I came to this country about 49 years ago.

I was also the chairman of a displaced persons committee that was created by the Order of the Ahepa to handle the small traffic that Congress has allotted on the amendment of the DP bill of 1950. In spite of the fact that we did not come under the IRO we handled this work practically exclusively at the expense of our organization and thus we know how many we have brought into this country.

They have given us 7,500 and something about 1,700 orphans to bring into this country.

Now, because of lacking of funds, I presume, the consulate services abroad have received approximately better than 40,000 applications of what is known as the displaced persons in Greece to come to America. When they stop to take stock they find out they have issued something about 3,500 additional, what is known as, pro visas. The peasants, of course, not understanding the meaning of "pro visa" felt that all they needed now was to document themselves with Greek passports and Greek documents and they will be given visas to come to United States. When they arrive at the consulate's office they find out the number is filled and they were left in the streets.

Of course, prior to going to the American consulate—there are two, one in Athens and one in Salonika—they had liquidated everything in the world they possessed to raise the amount of money necessary for their documentation. It created a serious problem, especially in the city of Athens, because those people have no place to go.

I went to Greece myself and visited. I examined the situation and it was a pitiful case. You understand, gentlemen, that Greece has suffered a lot, not only during the Axis power, but Greece has nearly three-quarters of its borders with the countries that are behind the iron curtain. At the recommendation of the American Military Mission to Greece those borders and those villages were evacuated. The evacuation amounted to close to 800,000 people and when these villages were visited by the Communists or the guerrillas they were practically ruined, everything the peasants had was practically ruined. They were promised that they will be helped by the Government to reestablish themselves. These promises were not complied with and conditions in Greece are serious, as far as not only the overpopulation but the ruination that was caused by the war, during the Second World War as well as the Communist war.

As to communism in Greece—from my own observation, I don't think there were actually more than 1½ percent of the people who actually believed in communism. We were led on this side to believe that there was a much greater number than that, but that was due to the fact that the villages or the towns that were near the border where the Communists were would roll over from the Axis. Some of these

people were compelled to even pretend that they were with the communistic movement in order to try to save their necks.

I am heartily in favor of the President's recommendation of a special bill or a special migration to relieve the situation in Greece as well as in some other countries in Europe.

The CHAIRMAN. Thank you, very much.

Is Mr. D'Agostino here?

**STATEMENT OF AMERIGO D'AGOSTINO, LEGISLATIVE COUNSEL,  
REPRESENTING FORTUNE POPE, EDITOR AND PUBLISHER, IL  
PROGRESSO ITALO-AMERICANO**

Mr. D'AGOSTINO. My name is Amerigo D'Agostino, and I am representing Mr. Fortune Pope individually and as editor and publisher of *Il Progresso Italo-Americano*, the largest publication in the United States for Italians with readership of over 1 million people.

We thank this Commission for the opportunity of appearing before you so that we may present some brief remarks with respect to immigration and naturalization legislation now under study by your respectful Commission.

I have a prepared statement which I wish to submit for the record, and then I wish to make some brief remarks.

The CHAIRMAN. Your statement will be inserted in the record.

(The prepared statement submitted by Mr. Amerigo D'Agostino is as follows:)

STATEMENT OF FORTUNE POPE, EDITOR AND PUBLISHER OF *IL PROGRESSO  
ITALO-AMERICANO*

(By Amerigo O'Agostino, legislative counsel)

The Italian population at present numbers over 46,500,000 persons, in a country of which two-thirds is virtually unproductive and in which mineral resources and raw materials are almost completely lacking. Owing to the very low ratio of natural resources to population, the per capita income in 1950 was only \$276, and food consumption amounted to only 2,443 calories per day.

As a result of the relative freedom of trade and the movement of capital and men in the pre-1914 era, Italy was able, from the time of its unification (1870) at one and the same time to increase its industrial and agricultural production, to expand its external trade and to organize migratory movements, which followed those of the countries of Northern and Western Europe and reached their peak in 1913, with 853,000 emigrants. As a result, however, of the First World War and the restrictive legislation adopted by some of the principal immigration countries and further intensified during the great crisis of 1929-33, emigration was substantially reduced and no longer made its contribution to the solution of the problem of surplus population in Italy.

The Second World War completely brought to an end the flow of emigrants. It was resumed again after the War but without attaining the same proportions as in the past (1949: 170,000 migrants; 1950: approximately 150,000 migrants).

Although Italy allocated 20 percent of its gross national income to capital investment—a very high proportion in view of the very moderate per capita income—and although very considerable efforts have been and are being made by the Government in the field of economic development (import of machine tools with the help of Marshall Aid, agrarian reform, the "Fanfani Plan" for housing, the "Cassa Mezzogiorno" providing for an annual expenditure, spread over 10 years, of 100 billion liras for the complete exploitation of the underdeveloped regions of the south and the islands), the unemployment figure stands at 1,792,000, while the figure for latent unemployed is estimated at 2,000,000, sufficient proof that the overpopulation problem in Italy remains as serious and tragic as ever.

About 480,000 refugees from the former colonies in Africa and the Aegean islands, from Venezia Giulia and from Dalmatia have come to aggravate further this extremely unhealthy situation. To point out the political and social dangers which are inherent in these conditions would be superfluous, but it may be noted that they impede the efforts to solve the country's economic and production problems, make it more difficult to reduce prices and lead to an unfavorable balance of payments, which is Italy's bottleneck and the vicious circle which threatens to stifle its economy.

In relation to the national area the number of inhabitants is 154 persons per square kilometer, and this figure is further augmented if the proportion is restricted to the workable land area alone, in which case the ratio is 285 inhabitants per square kilometer.

This disproportion is still more notable when compared with the situation in other countries; e. g., France, 75 inhabitants for square kilometer; Spain, 56 inhabitants for square kilometer; Czechoslovakia, 97; United States, 19; Canada, 1.4; Argentina, 6; Brazil, 5.9; China, 47.6.

The demographic situation has become progressively worse in recent years with the increase of births over deaths, and the increase caused by the war added to the regular yearly growth of 442,000.

The war brought large numbers of refugees from the metropolitan and colonial territories severed from the national sovereignty and ended the flow of emigration.

Italy lost approximately 900,000 hectares of metropolitan territory in Venezia Giulia and Dalmatia and approximately 350,000,000 hectares in colonies. And the population in these areas did not remain, but instead returned almost in its entirety to Italy, creating the serious refugee problem already aggravated by the large number of citizens homeless from the war and obliged to flee to other towns.

The following figures are by way of illustration:

(a) Refugees from Africa, approximately	225, 000
(b) Refugees from the Dodecannese Islands, approximately	5, 000
(c) Refugees from Venezia Giulia and Dalmatia, approximately	155, 000
(d) Refugees from abroad, approximately	125, 000

The above-listed refugees are in addition to those compelled to leave their own town because destroyed. Of the more than 3,500,000 homeless, more than 2,000,000 moved to other towns. This brings the total number of displaced persons in Italy to more than 2,000,000, of whom 500,000 are refugees.

The problem of the increase in population in Italy has assumed, consequently, a considerable gravity, all the more when it is considered that during the war the normal flow of emigration representing an average of 150,000 persons per year stopped entirely.

Italy has been consequently obliged to confront immense difficulties to give work and living conditions to all these citizens, while compelled to provide simultaneously for the war widows, orphans, disabled, tubercular and others injured in the war.

As a result, the Italian economy from before the war until today has been obliged to exert tremendous efforts to maintain these additional millions of persons despite the destruction of the war, the loss of territories, etc.

The efforts made can be summarized in the following figures:

*Employment in the various sectors of production*

[In thousands]

	1938			1949		
	Laborers	Office workers	Total	Laborers	Office workers	Total
Agriculture .....	2, 319	17	2, 336	2, 335	20	2, 355
Industry and transport .....	3, 672	257	3, 929	3, 678	333	4, 011
Commerce .....	183	222	405	201	249	450
Credit, etc .....	6	98	104	8	138	146
Public administration .....	582	447	1, 029	788	732	1, 520
Various .....	784	144	928	785	147	932
<b>Total</b> .....	<b>7, 546</b>	<b>1, 185</b>	<b>8, 731</b>	<b>7, 795</b>	<b>1, 619</b>	<b>9, 414</b>

These figures show that from 1938 to 1949 more than 700,000 additional workers were employed. In 1951 the figures are certainly higher.

The index of farm production, which fell from 100 in 1938 to 61 in 1945, climbed in 1949 to 90 and in 1950 to 95. For many products, the index of 1938 has been notably exceeded.

Today the index of industrial production has not only reached the total of 1938 but has notably exceeded it, arriving at 128 in December 1950.

In addition, the index of production in the individual industrial sectors indicates that in every field the prewar index has been reached and surpassed despite many difficulties and the high cost of production, especially of labor.

It is true that more millions of workers have been absorbed than before the war, but this increase has forced upon business and government an antieconomic burden of labor and imposed as a result reduced wages and income.

If the relationship between the farm population and the workable land in the more important communities is considered, it is easy to see that Italy has a coefficient (68) superior to all other countries, which is to say that Italy has a farm population of 68 persons per 100 hectares of arable land, while Germany has 50, England 23, Australia 5.

For example, the number of workers per square kilometer of productive land area is in—

Italy-----	25, 50	England-----	5, 00
Germany-----	12, 70	United States-----	1, 87
France-----	8, 56		

The number of calories per inhabitant in Italy is very low:

Countries :	<i>Calories</i>	Countries :	<i>Calories</i>
Argentina-----	3, 190	Czechoslovakia-----	2, 689
Australia-----	3, 165	Austria-----	2, 636
United States-----	3, 128	Poland-----	2, 622
Switzerland-----	3, 096	Western Germany-----	2, 528
Sweden-----	3, 070	Greece-----	2, 468
Finland-----	3, 070	East Germany-----	2, 410
Denmark-----	3, 064	Italy-----	2, 343
Canada-----	3, 062	Pakistan-----	2, 028
England-----	3, 030	Japan-----	1, 834
France-----	2, 740	India-----	1, 621

The situation is further aggravated by the fact that the population in the south of Italy consumes much less than that in the north. For example:

	Percent of the population	Percent of the consumption in Italy
Northern Italy-----	43, 92	60, 19
Central Italy-----	18, 44	20, 67
Southern Italy-----	25, 28	12, 85
Insular Italy-----	12, 56	6, 29
Total-----	100, 00	100, 00

These facts demonstrate that northern Italy, with 40 percent of the population, consumes 60 percent of the foodstuffs, which is to say that the calory index in the southern and insular regions is much lower than the national average.

The following examples further illustrate the above data:

Consumption of sugar in Italy is below 16 kilograms per person per year (Colombia, over 48 kilograms).

Consumption of potatoes in Italy is under 65 kilograms per person per year (Germany and Poland, over 1,845 kilograms).

Consumption of fats in Italy is under 12 kilograms per person per year (Norway, Belgium, Canada, exceed 18 kilograms).

Consumption of meat in Italy is under 17 kilograms per person (Australia, over 102 kilograms).

Consumption of milk in Italy is under 80 kilograms per person per year (Finland, Norway, over 240 kilograms).

Reviewing the above facts, it is obvious that the Italian demographic problem cannot be resolved with only the means at the disposal of the Italian economy.

Few countries in the world have succeeded without raw materials, without extensive territory, or without colonies to maintain such a large number of inhabitants as there are in Italy.

To meet these obligations every effort has been made, recourse has been had to every legislative expedient, and every possible economic initiative has been taken with the support of ECA and MSA.

All the ingenuity of the Italian people has gone into this effort, with first credit going to their spirit of sacrifice and the modest standard of living they sustain. Surplus labor has been imposed on business, and wages have been restricted to maintain more workers and similar measures have been resorted to, but this process has gone to the very limit and cannot be further exploited by the country. The condition of the Italian population must not be judged by the kind of life lived in some circles of the large cities. This group of citizenry is but a small minority. The great mass of the Italian people live in very modest circumstances, especially in the central, southern, and insular regions.

It is absolutely necessary for Italy that her citizens have the liberty to emigrate, because only by this expedient can such a great number of people be settled. These people, by reason of their present miserable living conditions, constitute a great danger, and the desirable economic and social equilibrium which is fundamental to prosperity and peace can be got only by emigration.

The settlement of a considerable number of these dislocated persons would considerably relieve the situation in Italy because, granted that it is already impossible to absorb the normal population increase by internal production and free emigration to various countries, it is absolutely precluded that the internal Italian market can provide labor for all the persons displaced by the war.

#### THE ITALIAN DEMOGRAPHIC SITUATION

The already high population density is continually on the increase; from 91 inhabitants per square kilometer since 1871 it rose to 130.2 in 1928; from 141.8 in 1938 it has reached 154.4 inhabitants per square kilometer today. (The world average is 18.) The last figure applied to the entire national territory results to 167.5 inhabitants per square kilometer of arable land (world average, 34.6) and 285 per square kilometer for usable land (world average, 195.4).

Furthermore, while the density ratio rose in all three fields and the possibility is scant for increasing the percentage for arable land, agriculture and forestal area in general, other countries have considerable opportunity for lowering their density proportion.

At any rate, confining ourselves to the density in the total national area, it is obvious that Italy has a density among the highest in the world, with 154.4 inhabitants per square kilometer. The European average is 78 (excluding Russia with a density of 8 inhabitants per square kilometer); average for Asia, 47; America, 8; Africa, 7; Oceania, 1. Among the great European nations, France has 75.4 inhabitants per square kilometer; Spain has 57.2; Portugal, 94; Switzerland 112.4; Czechoslovakia, 97.5; Yugoslavia, 63.3; Poland, 78.4; Rumania, 67.4; Hungary, 99.2; Sweden, 15.6; Norway, 10; Iceland, 1.4. On other continents, the United States has 19.3 inhabitants per square kilometer; Canada has 1.4; Argentina, 6; Brazil, 5.9; Chile, 7.8; Colombia, 9.7; Peru, 6.7; Venezuela, 5.1; Egypt, 20; Ethiopia, 18.4; South Africa, 9.9; Tunisia, 20.9; India, 109.9; China, 47.6.

Naturally, the demographic density is not the same in all the regions of Italy. The most densely populated region is Campania (331 inhabitants per square kilometer), followed by Liguria (282) and by Lombardy (263). The less populated regions are Sardinia (51 inhabitants per square kilometer), Lucania (62), Umbria (94).

More than half the Italian population lives in towns with more than 10,000 inhabitants. Eighty-one cities have a population of from 30,000 to 50,000 inhabitants; 25 cities have a population of 50,000 to 100,000; 25 cities have more than 100,000 inhabitants, and of these 3 exceed 1,000,000 population. The total number of municipalities is 7,764.

In Italy there are 11,000,000 families, of which 7,500,000 have children living at home. On the average, these latter families have 2.7 children per family, with a minimum of 2.2 in the families of office workers and 3.3 in the families of agricultural communities.

In the distribution of the sexes, the women markedly exceed men in the Italian population. This excess, which was 797,000 on April 21, 1936, had risen to 1,167,000 by December 31, 1949.



The age distribution of the Italian population can be tabulated as follows:

Age groups	Apr. 21, 1936		Dec. 31, 1949	
	Thousands of inhabitants	Percent	Thousands of inhabitants	Percent
0 to 9 .....	8,567	20.4	8,127	17.5
10 to 20.....	4,326	10.3	4,170	9.0
15 to 20.....	3,750	8.9	4,899	10.6
21 to 34.....	9,745	23.2	9,786	21.1
35 to 44.....	5,114	12.1	6,756	14.5
45 to 54.....	4,186	10.0	5,116	11.0
55 to 64.....	3,202	7.6	3,863	8.3
65 and over.....	3,131	7.5	3,704	8.0
Total.....	42,021	100.0	46,421	100.0

In the period under study then there has been an increase of the active population (15 to 65 years of age) which rose from 26,997 to 30,420, and from 61.8 percent of the total to 65.5 percent.

Approximately 48 percent of the working population are males.

About 48 percent of the working population (persons from 10 years old and up who exercise a profession or other known activity) is devoted to agriculture (of which 28 percent are day laborers or otherwise hired), 29 percent is in industry (of which 77 percent are employees), 8 percent are in commerce (of which about 36 percent are employees), and the remainder are in the free professions, on the public payroll, and in other activities.

Altogether, about 52 percent are employed (manual workers, 38 percent; office workers, 8 percent; service personnel, 6 percent) and the remainder is composed of independent producers (farmers, farm renters, merchants, artisans, professional men).

#### THE MOVEMENT OF THE ITALIAN POPULATION

We have already seen how the period of 1936-50 the Italian population grew by approximately 4½ million, of whom 2,800,000 are in the working population. We will now examine the causes of this increase.

Approximately the marriage rate varies from 7 to 8 per thousand except in exceptional periods (war years and postwar years).

The birth rate dropped gradually from about 37 percent in the period of 1872-75 to 19.2 percent in 1950. In general, in these recent years it has stabilized at 20 percent.

The mortality rate has dropped rapidly and more quickly than the birth rate. From 30.5 percent in the period 1872-75 it has dropped to 9.7 percent in 1950, which was one of the lowest percentages in Europe.

This rapid decline in mortality is verified in almost all the causes of death except tumors, for which the average per year rose from 427 percent in the period 1887-92 to 1.022 percent in 1949, and diseases of the circulatory system, for which the figures are respectively 1.57 percent-2.08 percent. That for tuberculosis from an average in 1887-92 of 2.061 percent to .492 percent in 1949; for malaria 567 percent and .002 percent; for infections and parasitic diseases in general, from 6466 percent to .939 percent; for pneumonia and bronchitis, 2.351 percent and .969 percent.

The net increase in the Italian population (number of births minus deaths) is about 10 percent per year and was precisely 442,000 in 1950. An increase of this size corresponds to a labor levy of at least 200,000 persons annually that burden the national economy, whose deficiency of capital makes very difficult an expansion corresponding to the arrival of new workers and new consumers, but which despite this makes the greatest possible effort to solve this problem which is one of the serious social and economic problems in the country. From 1939 until today the problem of the increasing population has become progressively worse for many reasons, chief of which are the following:

(a) Shrinkage of total national territory caused by the losses imposed by the peace treaty;

(b) the loss of the colonial territories and empire;

(c) the influx to Italy of refugees;

(d) the creation of a large class of persons obliged by the war to abandon their homes and their country of origin to move into another zone of the country; (e) the stoppage and subsequent insufficient rate of emigration.

The persons in the classes referred to in (e) and (d) can be classified as dislocated persons.

Dr. Donald R. Taft, in *Human Migration*, says: "Under conditions of overpopulation men do not migrate; they lie down and die." The people of Italy are not characterized by an absence of hope and energy; they are among the most active migrants in recent history.

According to statistics released by the Istituto Centrale di Statistica Italiana, emigration by sea during the year 1951 amounted to 143,480 persons, of which 88,915 were males and 54,465 were females. In 1950 the number of emigrants were 145,169, of which 94,666 were males and 50,503 were females.

The total number from the various regions for 1951 were as follows:

REGION		DESTINATION AND NUMBER	
Piemonte.....	3, 521	France.....	2, 633
Val d'Aosta.....	53	Yugoslavia.....	1
Lombardia.....	4, 728	Great Britain.....	26
Trentino, Alto Adige.....	854	Spain.....	338
Veneto.....	9, 471	Mediterranean countries.....	8, 755
Friuli-Venezia Giulia.....	6, 268	Continental countries.....	394
Liguria.....	3, 334	Canada.....	21, 277
Emilia-Romagna.....	4, 354	U. S. A.....	19, 668
Toscana.....	4, 943	Central America.....	331
Umbria.....	701	Argentina.....	55, 261
Marche.....	3, 039	Brazil.....	8, 936
Lazio.....	7, 322	Bolivia.....	64
Abruzzi e Molise.....	17, 418	Colombia.....	228
Campania.....	16, 621	Chile.....	2, 094
Puglia.....	6, 271	Other South American countries.....	70
Basilicata.....	4, 110	Eritrea.....	650
Calabria.....	23, 571	Somalia.....	641
Sicilia.....	17, 858	Kenya.....	81
Sardegna.....	675	Asia.....	190
Unspecified.....	8, 307	Australia.....	17, 454

<sup>1</sup> It should be explained that 3,991 of this figure represents nonquota immigration to the U. S. A., and that this number is over and above the 5,677 total quota allowed to Italy under the 1924 Immigration Act as amended.

#### LOSSES ON NATIONAL TERRITORY

April 21, 1936, the territorial extent of Italy was 31,019,000 hectares of which 28,549,700 hectares were agricultural and forestal area. June 30, 1950 the two figures were respectively reduced to 30,103,088 hectares and 27,758,306 hectares with a decrease of approximately 916,000 hectares for the national territory and approximately 791,400 hectares for the agricultural and forestal area. The populations of these zones taken from the motherland (mostly in Venezia Giulia and Dalmatia) subsequently took refuge in Italy as will be seen below.

#### THE LOSS OF COLONIES AND POSSESSIONS

Before the war Italy had the following possessions and colonies:	Area in hectares
Italian Provinces of Libya (considered a part of the national territory).....	55, 394, 000
Libyan Desert.....	120, 560, 000
Italian Islands in Aegean Sea.....	268, 200
Italian East Africa (Eritrea, Ethiopia, Italian Somaliland).....	172, 533, 000
Total.....	348, 755, 000

Approximately 500,000 hectares were in full process of cultivation in Libya, Eritrea, and Somaliland alone, and extraordinary possibilities for colonization existed in these lands, of which Italy retains now only the trusteeship of Somaliland with some 10,000 hectares under cultivation and with the greater part of the installations destroyed.

More will be said below of the departure of the Italians who had made these countries fertile with their sacrifice and their toil.

At this point it is sufficient to consider the obstacle that the loss of these territories place in the way of the Italian population expansion and the characteristics of Italian colonization which was never a colonization of exploitation, but always colonization which had work for its scope.

THE CATEGORIES OF DISLOCATED PERSONS IN ITALY

Under the name of 'dislocated persons' at least the following categories should be included in Italy:

- (a) Refugees from Africa (Libya, Cirenaica, Eritrea, Somaliland, Ethiopia);
- (b) Refugees from Dodecanese Islands;
- (c) Refugees from Venezia Giulia and Dalmatia;
- (d) Refugees from abroad.

Persons who, because of the war, remained homeless and were obliged to abandon their dwellings and native towns to take refuge in other parts of Italy are also to be included in this category.

THE REFUGEE PROBLEM

*Refugees from Africa (Italian colonies)*

It is difficult to give an exact figure on the statistics of this group insofar as their exodus took place during and after the war without the possibility of a precise computation. At any rate, the official figures do not differ widely from the actual number of this group of refugees.

According to the U. N., estimate for 1939 to 1948, the number of Italians who are residents in Italian Africa was the following:

	1939	1948	Difference
Libya .....	118,718	45,000	73,718
Eritrea .....	72,500	25,000	47,500
Somaliland .....	19,000	5,000	14,000
Ethiopia .....	58,500	-----	58,500
Total .....	268,718	75,000	193,718

If consideration is given to the net population increase of those fleeing to other countries and of other elements of obvious importance the number of these refugees would probably exceed 200,000.

Actually, according to official sources the figure is 218,713 of whom 98,000 came from Libya and the remainder from Eritrea, Ethiopia and Italian Somaliland. Another official source puts the figure at a maximum of 225,000 in 1946. In 1951 an additional 70,000 refugees arrived, mostly from Libya.

According to the sources mentioned above, the total influx of refugees year by year is the following:

Year:	Number of refugees	Year—Continued	Number of refugees
1941 .....	34,000	1948 .....	7,432
1942 .....	30,000	1949 .....	5,652
1943 .....	35,000	1950 .....	1,629
1944 .....	3,000	1951 .....	7,000
1945 .....	15,000		
1946 .....	52,000	Total .....	225,713
1947 .....	35,000		

It is noteworthy that the refugees from Africa had for the greater part families with relatives in Italy and frequently had recourse to them for lodging and board so that on June 30, 1951, the refugees from Africa assisted in camps amounted to 3,023 while 1,675 were assisted outside the camps. These figures refer to cases which are really pitiful and desperate to such an extent that the public-welfare agency has been obliged to give them priority of attention.

The percentage of able-bodied men and hence a potential worker is particularly high among these refugees as likewise is the percentage of specialized workers, especially in the field of agriculture. The reasons are obvious as these people

were chosen either by reason of good health or professional ability from the moment they departed for the colonies where they subsequently developed these capacities in the process of colonization.

#### *Refugees from Dodecannese Islands*

As is known, the Dodecannese Islands were given by the peace treaty to Greece. There were living in the islands, in 1943, about 10,000 Italian citizens. At the present time there remain only three persons with Italian citizenship. However, since several thousand of these people took Greek citizenship and since others went to other countries the number of those refugees can be estimated at 5,000.

#### *Refugees from Venezia Giulia and Dalmatia*

It is difficult to make an exact estimate of the refugees in this category because their exodus began in noteworthy numbers in September, 1943, while the official statistics, which are only approximate because incomplete began with May 6, 1945. Therefore, the official figures of 115,000 should be increased to 170,000-190,000 to be closer to the facts.

With the territorial loss suffered by Italy and with the Yugoslav policy of expelling the Italians to replace them with persons of Slavic origin it is difficult to estimate the measure of migration by the difference in population between 1938 and 1948. It is noteworthy, however, that from the zone of Pola alone not less than 30,000 were expelled.

However, as has been said, about 115,000 of these refugees have obtained from the Ministry of the Interior the official recognition of refugee status. Of these 115,000, a total of 103,000 have already obtained Italian citizenship, and it is hoped that also the others can obtain it soon.

The Ministry of Interior from February 1947 to May 31, 1951, has assisted 73,875 refugees from Venezia Giulia of whom 27,151 were in camps. Until June 30, 1951, a total of 29,519 refugees from Venezia Giulia were assisted of which 14,979 were in camps and 14,540 were outside of camps.

The refugees from Venezia Giulia and Dalmatia constitute a category with a high percentage of specialized workers, especially in the field of industry. It is enough to mention the large number of workers coming from the shipyards of Pola, from the torpedo works of Fiume, the mines of Arsa and the canning and liquor industries of Dalmatia.

The number of able-bodied men is 40,000 of which the greater part is unemployed.

#### *Refugees from abroad*

With the war a large number of Italians living abroad were obliged to repatriate, swelling the ranks of dislocated persons. They came to Italy, sometimes in groups and sometimes singly. They were never counted accurately and often it was impossible to count them at all. Hence, it is difficult to give precise figures: their number varies between 100,000 and 150,000, with the figure of 125,000 being a reliable estimate.

Their origins differ widely: Bulgaria, Czechoslovakia, Egypt, Eastern Germany, Greece, Rumania, Tunisia, Hungary.

It has not been possible to determine the percentage of able-bodied men, their degree of specialization or other data because of the heterogeneous nature of this group.

A summary review of the situation is outlined in the following figures:

(a) Refugees from Africa.....	225, 000
(b) Refugees from the Dodecannese Islands.....	5, 000
(c) Refugees from Venezia Giulia and Dalmatia.....	155, 000
(d) Refugees from abroad.....	125, 000
Total.....	510, 000

As stated above only a limited number were accommodated in camps or about 28,000 of whom 3,000 were refugees from Africa and 15,000 from Venezia Giulia and Dalmatia.

In 1947, approximately 55,000 Italian refugees were maintained in 108 camps. Subsequently, the movement in the camps was the following:

	Admitted	Dismissed
1947 .....	10, 149	14, 529
1948 .....	14, 883	20, 624
1949 .....	12, 864	24, 622
1950 .....	7, 487	9, 826

June 30, 1951, a total of 28,585 of these persons were supported in 42 camps.

In April 1951, the Italian administration was assigned the four following additional camps IRO.:

Locality	Total number of refugees accommodated	Number of Giulian refugees
Aversa .....	1, 319	818
Capua .....	966	514
Pontecagnano (S. Antonio) .....	434	86
Mercatello .....	324	163
Total .....	3, 043	1, 158

All in all, there is an additional 40,000 assisted by the Italian Government outside the camps.

*Assistance to refugees*

The Government public welfare agencies and many private institutions among which are many American relief agencies in Italy (the chief American relief agencies are W. R. S.—N. C. W. C., A. J. D. C.) are now dedicated to the assistance of refugee. Placement services, unemployment assistance, miscellaneous aid, relief distribution (for example, on the occasion of the arrival in Italy of the Friendship Train, the National Organization for Relief Distribution (ENDSI) in Italy distributed approximately 9,000 food parcels in the refugee camps) and other assistance have amounted only to a momentary alleviation of the tragic situation without resolving the radical problem of the resettlement of these refugees which remains a very serious problem.

Excluding other entries which refer in various ways to this assistance in the Federal budget, in the budget of independent regional agencies and various welfare agencies and excluding the Italian contribution to IRO, it is worthy of note that the Italian Government has appropriations in the budget for refugee assistance in the following figures:

Period:	<i>Lire</i>
1946-47 .....	5, 957, 143, 165
1947-48 .....	9, 404, 563, 714
1948-49 .....	8, 951, 580, 940
1949-50 .....	8, 454, 248, 039

PERSONS DISPLACED BY THE WAR (EXCLUDING REFUGEES FROM NONMETROPOLITAN TERRITORY)

It is not easy to give even a broad estimate of this category of persons for obvious reasons: for example, the examination of a condition of such proportions and fluidity, especially during the war years, presented practically insurmountable difficulties at that time. However, it is possible to form a fairly exact idea of the proportion of the problem on the basis of the several following considerations.

From a joint study made in September, 1944, by the Cabinet Council, the Central Institute of Statistics and the Allied Mission in Italy, the majority of the municipalities contained in the 38 provinces of central, southern, and insular Italy covered approximately 48 percent of the territorial surface of Italy, 43 percent of the total population, 48 percent of the dwellings, 35 percent of resident

rooms and it is to be noted that at that time there was the following destruction of the war to dwellings (rooms unoccupied) :

Number of rooms destroyed-----	484, 222
Number of rooms seriously damaged-----	145, 002
Number of rooms damaged-----	131, 005
Number of rooms lightly damaged-----	436, 082
Total -----	1, 196, 311

If to these are added the undamaged rooms in apartments where some rooms were destroyed and which certainly received some light damage (broken windows and fixtures and other losses) and because they were part of an apartment partially destroyed they were consequently only partly habitable—the number of which amounted to 179,030—the total of rooms destroyed or damaged in the war at that time and in the towns polled rises to 1,375,341, or approximately 13 per cent of prewar rooms and approximately 300,000 dwellings of which about 130,000 had been cleared of occupants. Of these 300,000 dwellings a little more than 105,000 were in provincial capitals and the remainder in other towns.

With the average occupancy of dwellings (at least 1 to 7 persons per room in the zone of Italy under examination) the number of persons who lost their homes as a result of the war was no less than 2,300,000 at that time and in the zone under examination.

Many of these persons who lost their homes in the war increased the already considerable number of those who had previously left their home and native town for various practical reasons. All of this population moved to those regions which were more out of the way, thus evading enumeration and often the numbering made for ration cards, living crowded in schools, homes of relatives and temporary shelters. The greater part of these people lost their jobs and all contact with their native town and remain today in the towns in which they took refuge, increasing sharply the number of those forced by circumstances to live on the outskirts of the cities and apart from the city life.

As explained, there was never any successful count made of these people; the count referred above amounts to 364,706 persons (of whom 203,013 were women) as displaced from other towns, but it is certain that at that time and in that zone, in order to be close to the facts the total should be doubled.

To attempt a safe estimate of all those in Italy who lost their home the figure would be approximately 3,500,000 to 4,000,000, of whom 2,000,000 to 2,500,000 are displaced in other towns. Of these latter from 1 million to 1½ million can be considered as dislocated persons.

#### EMIGRATION

As has already been said the Italian population increases by approximately 400,000 to 450,000 persons annually and every year 200,000 additional citizens seek employment.

A considerable outlet for the Italian demographic increase in the past was emigration, which some years actually exceeded the natural population increase; e. g., in 1930 there was a total of 872,598 emigrants (which amounted to 2.5 per cent of the entire population). It is calculated that in this century alone approximately 7 million Italians emigrated to countries overseas and that about one-half of these emigrants were permanent emigrants. Of these latter 3½ million persons, about 2 million found residence in the United States and 1 million in Argentina. The total number of Italians abroad is estimated today at not less than 8 million.

During the war emigration stopped almost entirely, except for several hundred thousand persons who emigrated temporarily to Germany while the call to arms gave rise to the serious situation of the veterans which was to contribute to disorganizing the Italian economy, already sorely tried by the war.

At the end of the war, with the return of the prisoners and veterans, with the loss of possessions, the great number of persons who would have been able to emigrate and which had been absorbed in the aforementioned employments was thrown on the Italian labor market.

The number of would-be-emigrants to which reference was made above may be computed as follows, on the basis of a yearly average of 150,000 (including repatriated) :

Emigration backlog—period 1925–50 (25 x 150,000)-----	3, 750, 000
Actual emigration, approximately-----	750,000
	3, 000, 000

or about 3,000,000 persons who could have emigrated abroad but who instead were left to aggravate the national economic situation.

In the years following the war the emigration rate has begun to recover the different characteristics, but at a pace irregular and inadequate to absorb the considerable backlog as will be seen better below. According to latest data the difference between emigrants and refugees is around 150,000 annually.

For a correct interpretation of the tables furnishing data on the emigration movement abroad, the two following facts are to be borne in mind:

(a) The concept of emigrant from the statistical point of view has not been the same. Until 1927 only manual workers who emigrated temporarily or permanently were considered emigrants. From 1928 to 1946 there were included in the emigrant category manual and intellectual workers who emigrated for reasons of employment. Finally, since 1947 there have been included those who emigrated for reasons of employment or to establish their residence abroad. As a result the statistics of the various periods are not strictly comparable, but they are always useful, especially as an indication of trends;

(b) The computation of emigrants and repatriates traveling overland has been suspended in recent years because of the lack of an adequate system for examining the situation. At the present time coupons are being attached to passports to be removed at the moment of emigration or repatriation of the emigrant and until they are applied to all passports the relevant data cannot be computed with sufficient precision and elaborated. Complete figures are available, therefore, only for emigrants travelling by sea. However, on the basis of data obtained from various sources it is possible to reconstruct the approximate rate of emigration movement into Europe in the last 5 years. In the absence of figures on the repatriates from Switzerland we have estimated their number on the same percentage of these expatriates for the previous 2 years.

*Proportion between farm population and arable land*

Country	Farm population		Arable land		Farm population per 100 hectares of arable land
	Year	Thousands of inhabitants	Year	Hundreds of hectares	
Italy-----	1936	8, 843	1936	12, 947	68
Germany-----	1933	10, 612	1937	21, 381	50
France-----	1931	7, 710	1936	21, 134	36
Russia-----	1926	71, 735	1934	223, 916	32
Spain-----	1920	4, 538	1935	15, 770	29
Sweden-----	1930	1, 041	1936	3, 739	28
England-----	1931	1, 175	1936	5, 213	23
U. S. A-----	1920	10, 753	1926	129, 438	8
Australia-----	1937	567	1935–36	11, 875	5

UNEMPLOYMENT

Unemployment in Italy has followed the course summarized for the last 28 years in the table appearing below. These data show that unemployment from a minimum of a little less than three per thousand of the population in 1925 and 1926 reached a maximum in 1948 of 47 per thousand.

Unemployment in the last 2 years has decreased slightly. It is especially noteworthy that the considerable increase in unemployment immediately after the war brought the percentage in 1946 to about 148 percent of that in the worst preceding year (1933) and to about 268 percent of that for the period of 1940–41. The situation became progressively worse until 1948. The explanation of this phenomenon has been adequately presented in the preceding paragraph.

The statistics given in this report are the official figures, lower than the actual facts insofar as only those persons registered in placement offices are considered.

and because of the technical difficulty of enumerating them the following groups are passed over (as was also observed in the "Survey on Italy's Economy" published by the UNRRS mission in 1947) :

(a) Those thinking it useless to register and preferring to seek work on their own ;

(b) Those not registered through ignorance, material impossibility (distance from the office or other reasons) or through lack of confidence in the usefulness of registering.

In addition the statistics do not include :

(1) Those not engaged in an independent activity who are nevertheless unemployed ;

(2) A large part of those partially unemployed and of those practically unemployed who are engaged in some occasional gainful activity ;

(3) Overemployment or the situation in which in a determined productive activity (and this happens often in agriculture and industry) there are normally and by mutual agreement a larger number of persons employed than are technically necessary ;

(4) Obligatory employment, not technically, necessary, i. e., the high rate of labor imposed by the Government or by mayors in certain regions and at certain times of the year.

On the other hand, it is possible that the above figures could include duplicate registrations of persons not completely unemployed, but the present system of strict and repeated checking renders this possibility very unlikely. As a matter of fact, a recent estimate published by the Economic Commission for Europe (ECE) puts the total number of unemployed Italians to about 4 million. Therefore, even if a more modest estimate was given, the figures for Italian postwar unemployment issued in the official statistics can be increased at least 60 to 70 percent.

In the absence, therefore, of more precise data, the official statistics, which are certainly a good indication of the trend of the situation, will be employed in the considerations that follows.

First of all, according to the latest international surveys, it is observed that Italian unemployment is among the highest in the world in the absolute sense and the highest if related to the resident population or the productive population. By way of illustration the following table, on the basis of official figures, with reference to the productive population, is adduced, as this relationship seems to be the more significant.

This table shows that even though Italy succeeds in some degree in containing her unemployment it continually increases in the majority of other countries. The table follows without further explanation.

The distribution of unemployed in the various groups is broadly the following :

	<i>Percent</i>
Manual workers generally.....	20-25
Employed in agriculture.....	15-20
Employed in industry.....	50-55
Other groups.....	5-15

The following data are for 1950 :

	Registered	Percent
Agriculture.....	346,368	18.7
Industry.....	966,046	52.0
Transport and communications.....	18,853	1.0
Commerce.....	45,611	2.4
Credit and insurance.....	613	-----
Manual workers generally.....	404,047	21.7
Office workers.....	58,571	4.2
Total.....	1,860,109	100.0

Another significant classification of the unemployed is that by classes. As of January, 1950, the division is the following :

Class 1: Unemployed workers through loss of previous employment.

Class 2: Those under 20 years of age including those demobilized from military service seeking first employment.



Class 3: Housewives seeking first employment.

Class 4: Pensioners seeking employment.

Class 5: Employed workers seeking different employment.

For 1949 and 1950 there is the following approximate division of the same classes :

[Percent]

	Total	Women only
Class 1.....	60-70	50
Class 2.....	15-25	15-22
Class 3.....	8-10	25-30
Class 4.....	2-5	1-2
Class 5.....	3	1

Altogether women represent one-third of all Italian unemployed.

In conclusion it is to be noted that the extraordinary effort put forth by Italy with the generous assistance of UNRRA and with the interim aid of ERP has succeeded in redeeming for the most part the grave social and economic situation resulting from the war, which was a war lost, and in supporting the greater part of the social and demographic problem. However, there still remains the settlements of at least 2 or 3 million persons which the labor market cannot completely absorb as it is already pressed to meet new demands for employment by those coming of working age.

At least 2 million persons belonging to class 1 must find permanent employment outside Italy to prevent the already serious social and economic situation from becoming more grave. It must be borne in mind that Italian agriculture no longer has any capacity for absorbing additional labor and that hundreds of thousands of persons would be forced to accept the wretched life of the agricultural day laborer in Italy—the tragic human and social consequences of which are related so frequently in the press—if other vast and generous lands will not demonstrate that they have governments and peoples equally generous and vast in vision capable of sparing Italy, Europe, and the world the tragic consequences that would be the fatal conclusion of the wounded brotherhood of man.

CONCLUSION

Europe and particularly Italy cannot recover so long as millions of Europeans are decaying in a demoralizing idleness for lack of opportunity to work and the chance to build normal family life. Europe cannot find peace so long as these millions, called into being by violent and inhuman upheavals, sow the seeds of discontent, disturbance, and revenge. The problem of overpopulation is far beyond the scope of charity, and requires immediate and effective effort on the part of governments, which must go much further in their legislative and economic provisions for the acceptance of these lost millions.

When the so-called Marshall Plan was initiated we sincerely tried to bolster the civilian economies of the various nations. Recently, because of the threats of war, our aid has changed its character. What has happened to our plans for peace—have we again failed to penetrate the root of the matter? Our Nation, which has taken the lead in aid to so many far-flung areas of the world, which is bolstering the military establishments of so many areas of tension, which is sharing its technical skills with countries that are underdeveloped for lack of know-how, should add a fourth project—a project that would show its vision and concern for the welfare of the individual.

Governments will not act unless they are pressed by people who are able to measure the depths of all the individual tragedies which befell these bewildered millions. Will we silence the voice of our conscience and refuse to understand the grief of these victims of inhumanity and fail before God and history to provide the leadership that will alleviate their fate by efficient help?

(Sources consulted: Report, Council of Europe, 1951; Istituto Centrale di Statistica Italiana; Selected papers, N. C. W. C.; Abbott on Historical Aspects of Immigration; Rev. Aloysius J. Wycislo on "Our Interest in Displaced Persons, etc., September 1951", and other authorities.)

Mr. D'AGOSTINO. You see, gentlemen, the problem that faces us today in the field of immigration is essentially a problem in legislation. We view this Public Law 414 as one of the greatest calamities

that could befall the people of this country. We agree with many of the statements that the President's veto message contained with respect to its proposal and adoption, and we can see in Public Law 414 some tyrannical aspects which sometimes would escape us.

The proponents of Public Law 414 and the sponsors, together with the testimony that was presented before them at the public hearings and at committee hearings, heard both sides of the story and on the basis of the testimony presented, the overwhelming majority of which was in favor of a less restrictive and more liberal approach to immigration, the law was passed. But it is fantastic to many of us to understand how it is possible that such a restrictive piece of legislation came forth.

For example, we take it for granted that when a piece of legislation is adopted by Congress that that is the law, but amazing enough with the growth of administrative law sometimes we fail to appreciate that the administrative rules enunciated on the basis of legislation enacted by the heads of departments can sometimes thwart or destroy the very intent of the law. I want to give you several illustrations.

Public Law 414 specifically provides that there is no appeal from the consul's position denying a visa or passport overseas. We have thought and we contend that that is wrong; that there should be an administrative way of reviewing these positions of denial of passport and visa. A young man whose visa petition has been approved by the Justice Department appears before the American consulate and requires a nonquota visa. The American consulate says, "I deny it." There is no appeal.

Pure and simple tyrannical thought control was embodied in Public Law 414 in which there is denied the review of a consular's position. I want to read that part of the law to you: "Aliens who the consular officer or Attorney General knows or has reason to believe seek to enter the United States \* \* \* to engage in activities which would be prejudicial to the public interest \* \* \*" shall be denied visas. There is no appeal from such a decision. In other words, the decision of the Attorney General or of the consulate that he believes the alien probably will engage in certain activities—there is no appeal from that. We recommend that mandatory legislation be considered in that field.

We also recommend that a full and complete and adequate appeal and review procedure be adopted in exclusion and deportation provision under Public Law 414.

Gentlemen, it is a farce, the optional instructions issuing out of Washington from the Justice Department which are confidential and cannot be seen. The rules and regulations admitted by the Immigration Service of the Department of Justice which can be seen embody conflicting rules, changing rules, which deflate the law, which thwart the law. Therefore, whichever legislation be adopted in the field of immigration and naturalization we sincerely hope that the provision and one of the laudable provisions be included providing for a joint congressional committee looking into rules and operations and regulations and restrictions of the Immigration and Naturalization Service and be maintained so rules and regulations and operational instructions can be removed by a congressional body before being placed into effect.

Under the present provision the Attorney General can issue a regulation and rules which are published in the Federal Register and within 20 days you can object and after that it becomes an absolute applicable rule.

We would like to point it out, the intolerable distinctions of naturalized and foreign-born citizens, especially with respect to those in voluntary military service and those who have voted in elections. To give you an illustration, again with respect to administrative procedure: There was quite a bit of much ado *last year* in the *Eighty-first* and *Eighty-second Congress* with respect to those people in Italy who voted in the political elections because of the terrific impact from the State Department and from many distinguished citizens in the United States inviting them to vote against the Communists in the elections of June 2, 1946. Those people voted in those elections. They were constrained and compelled under duress of all types, even to the extent of having been deprived of ration cards if they didn't vote, and there were dozens and hundreds of American citizens who were temporarily in Italy and who were compelled to vote. Fortunately, a law was enacted in the Eighty-second Congress, Public Law 414, permitting these people to be naturalized again, not repatriated again but to be naturalized. The effect was to be repatriated.

Gentlemen, I want to show you what happens with administrative procedure. Public Law 414 provided that any American citizen who voted in the political elections of June 2, 1946, or March 2, 1948, could by going before an American consulate swear an oath of allegiance to the United States. When this law was enacted I was in Italy, the day it was enacted in Congress. The wires came through to the consulate that the law had been enacted. The American consulate at Naples told me, "We cannot admit to the United States anybody who voted in both elections," and yet all of the congressional discussion and intent embodied both the elections, 1946 and 1948, and the word "or" standing between 1946 and 1948 was an inclusive rather than exclusive "or." Because it said 1946 or 1948 it took 6 months before the State Department could issue mandatory instructions, during which time people in Italy stood by waiting to be repatriated and analyzed. But that isn't the end of it. Some of them did come through with Italian passports and when they came here they had to apply to the Immigration Service and make application for oath of allegiance. The law says nothing about this. They must swear to the American consulate or other duly authorized officers. They had to present evidence of having voted. It is acknowledged that you did vote, but you have to produce evidence from the Italian authorities that you did vote. In addition you must present evidence that you did not vote in any other elections. This applies to an individual who is here today.

If this Commission will check with the Immigration Service it will find that of the two or three hundred who have been admitted under this law, less than 10 or 15 have actually been sworn and made American citizens again. The evil of today's paradox lies in the administration of a law which individuals in the top at the State Department and the Justice Department do not consider binding upon them—Public Law 414—until they have issued rules and regulations pertaining to the enforcement thereof provided therefor in the law

itself. Consequently, an American consulate is not governed by Public Law 414 overseas. He is governed in the rules and regulations proclaimed or admitted for him.

Mr. Fortune Pope and the progressive organization and the many Italian civic American groups in the United States have fought desperately for liberal approach to this immigration problem, including the question of utilizing unused quotas. The problem is helped in the Humphrey-Lehman and Celler bills and others, which, of course, were discarded. It is a travesty of justice to see the United States Senate present and adopt a piece of legislation offered by a man who refuses to answer questions put to him explaining the law by Senator Lehman. The Congressional Record exemplifies an attitude and procedure which is totally unlike the American way. When Senator Lehman has asked him question after question after question he has refused an explanation of certain provisions or any provisions of Public Law 414. And the Congressional Record is evidence of that.

The CHAIRMAN. Thank you very much, Mr. D'Agostino.

Mr. D'AGOSTINO. I wish to thank you gentlemen for the opportunity you have given us.

The CHAIRMAN. Are Metropolitan Anastassy, and Chancelor Grabbe here?

#### STATEMENTS OF METROPOLITAN ANASTASSY AND ARCHPRIEST GEORGE GRABBE, REPRESENTING THE RUSSIAN ORTHODOX CHURCH OUTSIDE RUSSIA, INC.

METROPOLITAN ANASTASSY. I am Metropolitan Anastassy, president of the Bishops' Synod of the Russian Orthodox Church Outside Russia, Inc., 312 West Seventy-seventh Street, New York City.

Archpriest GRABBE. I am Archpriest George Grabbe, chancelor to the Private and Bishops' Synod of the Russian Orthodox Church Outside Russia, Inc.

Each of us has a prepared statement.

METROPOLITAN ANASTASSY. I ask permission to have Archpriest Grabbe read my statement.

The CHAIRMAN. He may do so.

METROPOLITAN ANASTASSY (read by Archpriest Grabbe). We are most grateful to the President's Commission for granting us an opportunity to present our views on the problem of legislation on immigration to this country. We are also very grateful to the President of the United States for his understanding of the plight of refugees and all his efforts to help them.

It is my honor to be the head and representative of the Russian Orthodox Church Outside Russia, a church functioning in all parts of the free world since 1920, when we all had to leave Russia owing to its being dominated by Communists.

During these 32 years we have experienced many hardships but we have also seen many manifestations of understanding and help. The countries that have given refuge to multitudes of refugees have acquired generations of grateful Russians as, for instance, Yugoslavia of King Alexander, Bulgaria of King Boris, or France, and other countries. Many Russian refugees 30 years ago entered this country

and have served it truly and faithfully, making some precious contributions to its culture and development.

We are especially grateful to the United States and other countries who opened their borders for refugees after the last World War. If some of these refugees should return some day to their native countries, they will be an instrument working for peace and closest relations with the nations which helped them in the time of a most dreadful crisis.

Russian people may often forget injuries but they never forget kindness and acts of assistance rendered to them in a day of suffering. Therefore, a liberal immigration bill in regard to Russian refugees may have in the future a far-reaching political significance.

The present situation in the world, when we can always expect complications in different countries, owing to subversive activities of Communists and when there is a constant flow of anti-Communists from behind the iron curtain, countries which are defending the world from that dreadful danger, menacing mankind would serve these unfortunate people by more flexible immigration laws and regulations.

Precautions of course are necessary and no real security risks should be taken. But the apprehension of the danger of elements that may be subversive entering the country should not be allowed to prevail to an extent barring the entrance of authentic refugees, who are seeking safety from communism and can often be a valuable element for contending it if properly used.

We also are glad to state that the legislation that existed until now, having made it possible for more than 40,000 Russians to enter the United States, to the best of my knowledge, has not created any complications. All these refugees have acquired employment although sometimes not those that were stated in their assurances. Very few of the immigrants have needed welfare assistance and if they did need it, it was usually due to unexpected illness or death of the principal worker in the family. I am also happy to mention that the criminal record in regard to Russian refugees is extremely low.

For this reason I believe that the experience with the former Displaced Persons Act can safely be taken as a sound basis for future legislation.

May I add a word of appreciation with reference to the statement made to the House of Representatives by President Truman on June 25, 1952, in regard to aliens from Communist-dominated countries who have made some misrepresentations in securing visas: Actually in many cases it was done by those feeling themselves in a desperate situation. If deportation on such technical grounds will follow and genuine anti-Communists will suffer, it will make a dreadful impression on refugees, and may have a repercussion with those who wish to seek refuge on the west side from behind the iron curtain. Here again in a time like ours a flexibility of the law is needed to make it possible to open the way for a free life to those who were forced to make some misrepresentations having a justified fear for their relatives still being in a Communist-dominated country, but barring all cases in which there may be an actual evidence of ill will or fraud.

A legislation bearing evidence of an understanding as deep as the President has shown in his message would be Christian, human and wise at the same time.

Archpriest GEORGE GRABBE (reading his own statement). May I add some observations to the statement of His Eminence Metropolitan Anastassy.

Due to my position I have been very close to resettlement work which was entrusted to me on behalf of the Synod of Bishops. I closely cooperated in that field with the Church World Service and Tolstoy Foundation as chairman of a United Orthodox Resettlement Committee in Germany.

First, I wish to stress the point that about 7,500 refugees were still in the pipeline of the Displaced Persons Commission when it stopped its activities. Many of these people may still be eligible and useful in this country, but very few of them have friends who would possess wealth enough to send them regular affidavits. On the other hand, their friends and church communities would be able and willing to help in their reception and find employment for them.

We can make that statement with full responsibility on the ground of experience.

The procedure of resettlement, on the basis of the DP Act, required so great a time for clearance that few of the positions stated in the assurances could be kept open for the arrival of refugees. Sponsoring agencies and religious communities often found new positions of employment for these people. And we may say, that this work was done with satisfactory success. With this experience we can look forward without concern to the arrival of thousands more, being confident that they could be absorbed by this country and would not become a public charge. The assurance system has proved to be secure and flexible at the same time as far as it is operated through responsible agencies. As to the affidavits of support the requirements with respect to the wealth of the issuing person would make it practically impossible for refugees to find qualified sponsors. Especially the assurance system being more flexible is needed in regard to the escapees from countries behind the iron curtain who have no friends to sponsor them in the United States.

As to this category of refugees His Eminence, Metropolitan Anastassy, has pointed out the moral implications of their problem as well as its political aspects. I wish to add that as far as we can judge on the ground of contacts of these refugees with our church until now, they are the most convinced anti-Communists and a safe element in regard to security.

Of course some Communist agents may try to infiltrate, but their percentage among these people will always be lower than among immigrants from countries who have not experienced a Communist rule. Refugees now in Iran and those coming from Yugoslavia or China as well as escapees from Eastern Europe, will always be the strongest witnesses against communism. Among these refugees there will never be earnest sympathizers with communism, as can often be met among people without their painful experience. The security risk will not be too great and the balance between it and the gain for the cause of anti-Communist warfare will always be in favor of the latter.

No propaganda is as strong as statements of witnesses who have a personal experience. As a proof, may I cite the example of prewar Yugoslavia where the government outlawed the Communist Party and refused to have any diplomatic relations with the Soviets until

1939, largely owing to correct information about the Soviets furnished to the nation by Russian refugees.

It would therefore be in the interest of this country to have a law flexible enough to make possible the entrance of escapees as well as Russian refugees now in Trieste, Iran, and China. We can never know what moves on the part of Communists may follow and where in the world a crisis may arise making it necessary for anti-Communists to seek refuge. The United States should be able to rally these people and use them in the fight against communism meeting all sorts of emergency conditions.

The final report of the United States Displaced Persons Commission bears evidence that such policy would not bring any dangerous implication to the economic life of the United States because immigrants are easily absorbed by this country. On the other hand we all know that Germany during the last war could not have stood out so long if foreign workers were not imported. The cruelty of that action must be condemned but it proves that manpower was a very important factor. The growing unrest in the world will make it necessary to develop war industry more and more efficiently. Therefore immigrants as a manpower will be the more useful, the more critical will the situation in the world grow owing to the global Communist plot.

May I also speak freely about misrepresentations by some immigrants from countries behind the iron curtain with respect to certain facts, such as their place of birth when visas were secured for them. It really is a painful situation and it would be difficult for any of us to approve such misrepresentations. But on the other hand President Truman is fully right when he expresses an understanding of the plight of persons who felt themselves forced to make them. I have met many of them in Germany, and I was able to persuade some of them to state the truth about themselves. But in some cases the fear of the long-reaching hand of Moscow was too strong and perhaps justified.

We should understand the state of mind of persons who have sometimes had to change their names in their native countries; who had to conceal many facts about themselves or their parents; persons who have witnessed the persecution of whole families because one of its members or friends was convicted by an unjust court or proved to be a refugee abroad; people who were scared by forcible repatriations and who were sometimes still uncertain that such action will not be repeated in case of a change in the policy of Western Powers. We often experienced difficulties in our resettlement work, because these people were afraid of registrations. When they heard rumors of a possible attack by the Soviets and an occupation of Western Germany they trembled at the thought that IRO and other files could fall in the hands of the Soviets. We also should understand that these people feared a possible infiltration of Communist agents in every office and found grounds for their mistrust in the action of some UNRRA and IRO officials and rumors raised by newspaper reports about Amerasia, etc. Some of them would not consent to speak the truth about themselves to the IRO, but were ready to make an earnest statement to the CIC or the American consul. Others thought that even this was a risk that they could not afford. But if they did decide to speak the truth, you should see how glad they were to ease their mind.

It is my belief that, owing to the advice that we and the agencies used to give them, the great majority actually entered this country

without a misrepresentation of facts. But, even about the minority that could not decide to do it, I may say that, as far as I can judge on the ground of my experience, it was often the most convinced anti-Communists that used to assume new names and misrepresent some data about the place or time of their birth, especially if they had relatives or friends still in Russia. We must also be aware of the fact that even before the World War II some Russian emigrants abstained from any activity in the political or public life, fearing that otherwise their families could suffer in Soviet Russia. For that same reason, many displaced persons think that they may be active in public and political life only under an assumed name.

May I add that at the time of forcible repatriations people often made some misrepresentations on the hint or direct advice of some Allied officers. And when they had passed numerous registration and IRO screenings giving such data it sometimes seemed to them that there is no way other than to stick to their earlier statements in order to spare themselves different complications, which really did arise sometimes if they chose to change their statements at some given moment.

These people need understanding as expressed by President Truman: if any of them have entered the United States with a misrepresentation of their place of birth or with some change in their name, they sincerely thought that no harm was done to the country that accepted them. Whatever be their name now, the main thing is that they would be genuine anti-Communists and a morally healthy element.

The CHAIRMAN. Thank you very much. We appreciate your coming here and giving the Commission the benefit of your views.

Congressman Javits is scheduled to be our next witness.

#### STATEMENT OF HON. JACOB K. JAVITS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Representative JAVITS. I am Jacob K. Javits, a Representative in the United States Congress from the Twenty-first Congressional District, New York City. My address in New York is 600 West One hundred and eighty-first Street, New York City.

Representative JAVITS. Thank you, Mr. Chairman. I think my views on this subject are fairly well known, but I am sure it would be proper to record them with the Commission, and I shall take very few minutes.

First, I want to compliment the Commission on proceeding with its work. Despite the fact that this is a campaign period and speaking solely as Americans when one doesn't know who will be the next President or which will be the next administration, I think it is splendid that the governmental processes in a field as critical as this one are being carried on. I am glad I am able to testify.

As everyone knows, I am a Republican elected with Liberal support, and I think that makes it even more important that I testify and lend my own support to the fact that this critical effort should be carried on. I am sure the findings of the Commission and the work it will do will be of inestimable value, no matter how the campaign ends. I compliment you and the Commission, Mr. Chairman, for persevering in this very effective and diligent way.



Now, Mr. Chairman, I have a three-point program that I would like to suggest for the Commission as a program of action with respect to our immigration and naturalization policies. I will state the three points and then expand on each of them.

First, I urge repeal of the McCarran omnibus bill. Secondly, I urge the recommendation for legislation to pool unused quotas on at least an annual carry-over basis, with consideration by the Commission as to whether it should not be on a carry-over basis of more than 1 year. Third, the change in our immigration policy to provide for the next 5 years for the admission of 100,000 additional immigrants per year based upon skill.

Now, Mr. Chairman, if I may develop those points. First, as to the repeal of the McCarran Act. I believe that the act has three major imperfections and, though it was passed by large majorities in both Houses and the objections of the President were overridden in his veto message, I believe that these disadvantages are becoming constantly more apparent to the American people and that there is a real chance that a recommendation of the Commission for repeal of the act will not be sterile.

The three major objections are (1) discrimination against Negroes and those of Asiatic blood. The Commission is well aware of the details of that, so I won't stop to analyze that. I think you know there is discrimination in the law. (2) Change in the preference set up in the existing law providing 50 percent of the quotas for people who have certain particular skills needed in the United States, which again, I believe, will militate against the nations of south and south-eastern Europe who are already militated against very seriously by the construction of the quota system. Much as I favor selective immigration, for reasons which I will explain in a moment, I do not favor it at the cost of deserving immigrants from areas of Europe which are now being discriminated against in our existing quota system. The third difficulty with the McCarran law is its procedural disadvantages, particularly with immigrants whom we receive and because of some slight imperfections in their papers or slight violation of law undiscovered until long after they get here are, under statutes of limitations which would make any lawyer blush, subject to deportation at the will of an administrative official, which is almost absolute in their cases.

Also the even graver problem, if there can be one, of denaturalization of people who are once naturalized, again with the statutes of limitations which are so unrestrictive as to make a lawyer blush for this law.

When this point was raised in Congress, the advocates of the law stated on the record that it was a package. Now, I happen to think it was a very bad package, but that is the justification for the way they proceeded.

One of the elements of this package was the end of the exclusion of those of Asiatic or oriental blood. Now, there was a bill pending in Congress, including this, and we didn't have to swallow any such poisonous dose as the McCarran Act to rid us of oriental exclusion.

Secondly, on the pooling of quotas: The fundamental policy of the Immigration Act of 1924 was to admit approximately 154,000 immigrants a year. Time and events have resulted in making the basis

upon which we originally planned to admit that number quite invalid. These quota numbers are on the average used about 50 percent. The fundamental intention of the American people, stressed as a profound public policy, was to admit this number in the spirit of partnership with the people of the world, really opening our doors to that many. I think in a sense the will of the people is being frustrated by the failure to pool the numbers and make them available where they are the most needed, without the cut-down arbitrarily by 50 percent because of the adherence to these national quota standards.

I might point out too, Mr. Chairman, in that regard, that a strong effort led by a number of us in the House was taken, in which Mr. Celler, chairman of the Judiciary Committee, took a very distinguished part, to change the standard for determining quotas from 1920, which is the year now in effect, to 1940, which was an available census year fully analyzed so that it could be applied, and it was rejected. It seems to me it clearly shows that the idea of the McCarran Act was not just to refuse arbitrarily to bring it up to date, but the idea was to hold immigration down as much as possible. I don't think that was the spirit of the quota origins law originally, which did contemplate 154,000 immigrants could be admitted per year, and the formula for how they could be admitted. I think an appraisal of that would be very helpful.

The CHAIRMAN. Would you adhere to the figure of 154,000?

Representative JAVITS. If the Chairman be good enough to bear with me: Mr. Chairman, I am completely unwedded to that figure. I thought I made three points and if the Chairman would, I would like to make it clear that to me they represent a package: Repeal of the McCarran Act; at least pooling quotas in respect to the established quota system; and the expansion of our immigration policy to include the additional admission of 100,000 a year who will be admitted largely on the basis of skills in addition to the 154,000 now under the regular quota.

Commissioner PICKETT. Are you proposing to keep the present basis of selection, the present quota system?

Representative JAVITS. I don't like the present quota system. I would like to see our whole immigration policy revised to proceed on the basis of relationship to citizens and residents of the United States and skill, with admission of somewhere in the area of, say, 300,000 per year. I think those are certainly very conservative figures. The only reason I suggest the package that I do is in terms of practicality. When I come to my third point I think I can make clear this approach which I consider a practical one.

There is a great feeling for a quota system in the Congress. I do not share that feeling, but there it is. I think we need not break our heads on a concrete wall. I think we can present a program which can achieve a fundamental purpose without running head-on into a fight about whether we should or should not continue the national origins quota system. It gets to the same point, but I think it gets there by a more likely to succeed route.

The third point is, as I said, the admission of an additional 100,000 immigrants a year. I am, myself, the author of a bill, the Selective Immigration Act of 1952, which proposes the admission of an additional 100,000 per year for an experimental period of 5 years and, gen-

erally speaking, carrying through the same system for admission, sponsorship, and Commission jurisdiction, which was contained in the displaced persons law. I believe that with that 5 years' experience under our belts we will have a much better chance to change the whole immigration policy and to make permanent a much more liberalized immigration policy in terms of numbers than we would have if we just tried to scuttle the whole quota system right now. I don't differ with Senator Lehman. I think the reform of immigration laws is very much a bipartisan opportunity. I do think we can get a more practical result if we pursue the DP experience, which I think, on the whole was excellent. Also, you must remember that the Congress voted for it overwhelmingly.

Commissioner O'GRADY. Would not selecting people on the basis of skills as you have suggested reduce immigration from those countries which do not have skilled people?

Representative JAVITS. Monsignor, may I answer that question with two points. First, my reason for urging the pooling of quotas is that it does help the prospective unskilled immigrant. That is point 1: it does help him. It provides for admission of more than twice as many unskilled as are admitted today.

Now, as to selective immigration: My plan is based on experience gained in the displaced persons program. You happen to have a distinguished member of the Displaced Persons Commission with you on this Commission as executive director, the Honorable Harry N. Rosenfield. It was very difficult from the first to find a job for a skilled DP metalworker, and then it was very difficult to find a skilled DP metalworker. What you did was to essentially find a place and then an opportunity for a displaced person. Then he was brought in and even if you had to give him some vocational training here that was fine, just so long as there was somebody who was responsible for seeing that he became a useful skilled American.

That is why I said in my bill, and I copied it out of the DP bill, what I did of the displaced persons system. I think that system worked admirably and I think on the whole my colleagues are quite satisfied with it.

The CHAIRMAN. Are you suggesting that the number of 100,000 a year be in addition to those being provided under the regular quota?

Representative JAVITS. Exactly, sir. I might say that this ties in with one of the greatest efforts in the world now being made under United Nations auspices to resettle the surplus working population of free Europe in which we are participating in discussions and even by putting up money. What we are not doing, as we did in the DP problem, is taking the leadership. But doing what I am talking about is taking the leadership as we did in the DP problem, which resulted in solving the DP problem, and I think that is a very persuasive argument for it.

The CHAIRMAN. What do you think should be the Commission's approach to this immigration problem?

Representative JAVITS. I think your Commission ought to recommend a long-range policy for the United States and give your reasons for it. And I think the Commission ought to recommend legislation for the Congress, which I think is urgently due. And Mr. Chairman, I think this, that a lot of my colleagues have gone home and they have

been doing a little campaigning and they have been hearing about the McCarran immigration bill. I don't think that is going to fall on deaf ears, so I don't think the Commission should feel inhibited by the majorities piled up in both Houses on the McCarran bill over the President's veto. I hope it won't.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Congressman Javits.  
Miss Anna Lord Straus.

#### STATEMENT OF ANNA LORD STRAUS, PAST NATIONAL PRESIDENT, LEAGUE OF WOMEN VOTERS

Miss STRAUS. I am Anna Lord Straus, 27 East Sixty-ninth Street, New York City. I was a past president of the League of Women Voters for 6 years, and much of my background in this field is because of the league's interest in the subject. However, I am appearing here in the role of a private citizen.

I have a short prepared statement I wish to read.

The CHAIRMAN. The Commission will be glad to hear anything you have to say.

Miss STRAUS. Thank you.

I appreciate the invitation which you have extended to me to appear before you to present my views on our immigration policy. I am not appearing as a technical expert. Nor in the short time since I received your invitation have I had an opportunity of writing a complete statement of my views on immigration and naturalization. I am happy, however, to take this opportunity to deal with one phase of the immigration question that I consider of paramount importance. Though I speak only for myself, I know because of the opportunity I have had in recent years to travel widely throughout this country as well as abroad, that I express a sentiment which has wide acceptance.

Our recent immigration policy is, I believe, contributing to an untenable situation which may well be sowing the seeds of world war III.

Daily there are people leaving their homes, often their families, their possessions, their country, because they can no longer tolerate the dictatorship which gives them no freedom to speak and to act according to their conscience within the restriction of reasonable law. These are people of courage and faith, people of vitality within whom the spirit of freedom burns so fiercely that they can no longer tolerate the submission of the individual to the state. They are willing to risk hardship and their very lives to start a new existence, where they will be respect for the individual.

There are also countries in Europe where the population is outgrowing the means of giving the people a livelihood. From many of these countries the quotas at present allowed are so small that it takes years and years of waiting before a person can emigrate to this country. Is it not better for them and for us to receive them when they are young and strong and full of zeal to make their way in the land of their choice?

The standard of living of the European countries is much lower than ours. In Europe there is population surplus. Their arable land is per person only 44 percent of ours. Their capital for investment

in new enterprises which will create more jobs is very limited. Every free European country has already given refuge to persons driven out of their own land. Added to this some of the countries, such as Holland, have already had to absorb unexpected numbers of people because of loss of colonies. These countries cannot support such a continued increase in population. Their people must look elsewhere or else succumb to the hollow promises of communism.

The immigration policy of the United States must be so adjusted as to offer a haven to many more of these people who value freedom. The United States was built on the tradition of welcoming to its shores those people who have been willing not only to give lip service to freedom but if necessary to suffer hardships to assure freedom. Our standard of living is high, our growth of population is decreasing, we have rich natural resources, we have capital for investment in production which will create new jobs.

Why therefore should we discriminate against those countries which are in greatest need of finding new homes for their people? Why should we discriminate against people who have in their past been forced to live in a country with a political ideology with which we are not in sympathy?

I believe that our present immigration law shows a lack of faith in ourselves. If our citizens consider, as I do, that we have the best political system and the greatest amount of personal freedom of any country, we should demonstrate our belief by convincing others of the rightness of our ways. Does not the present law imply that for fear of admitting a few people that may not be of as high calibre or high principle as the best of us, we are denying the privilege of freedom to many thousands who could contribute greatly to bringing new vigor to our society.

I am certain that the vast majority of our people, if they had the facts presented to them, would welcome these exiles from fascism and communism—as our forebears were themselves welcomed. For myself I would be sad indeed if I thought that our society was not sufficiently virile to benefit from the spirit of freedom and adventure that made the newcomers face their future in a new country unafraid, and to deal successfully with those few people who might come in though they are not worthy of our welcome. I believe that we can well afford a generous immigration policy. One that continues, as we did in our early days, to hold open the door to the oppressed and particularly to those who have had the initiative and courage which it takes to fight for liberty of the individual under dictatorship.

We must base our immigration policy on what is good for us in the long run, not what will effect take-home-pay today or what will crowd our schools tomorrow or give more competition to the present housing situation.

Both our free European neighbors and the refugees hear constantly our professions of freedom but they are inclined to the bitter comment, "freedom for whom," when with our tremendous resources we restrict to an insignificant minimum our immigration quotas from those most in need of the haven which we can offer them to build a new life.

We are spending millions of dollars on propaganda explaining to other nations our ideals and our way of life. We lend or give money

to improve the economic status of our European neighbors. We send armaments to our allies. At the same time we allow conditions to exist in those countries which ameliorate the advantages of such action by turning our backs on an intolerable situation to the solution of which we could so easily contribute.

I have spoken of this European situation at some length because I consider it is typical of much of the short-sighted action that we have taken in our past immigration policy. Such action does not affect Europe alone. We in the United States live under the glare of the searchlights world wide, as does any strong and rich power.

Our generosity of deed and acts in other fields are largely negated by our selfish and short-sighted immigration policy.

No longer will people live supinely in conditions where there is no hope for the future. If representative democratic government cannot improve their opportunities, they will succumb to the promises of communism or dictatorship.

For our own sakes and for those of our free neighbors the world over, we should adopt a generous immigration policy to assist in establishing conditions in other countries which will be our best assurance of peace in the future.

Commissioner O'GRADY. Miss Straus, I recall you have served as a representative of the United States at the General Assembly of the United Nations. In that capacity, have you heard any comment about our immigration policy, especially by representatives of the Soviet Union and the iron-curtain countries?

Miss STRAUS. Well, I had the opportunity to learn something of that when I was over in Paris at the General Assembly at meetings with representatives formerly from countries that are behind the iron curtain, who were living in Paris. We had discussions at that time as to what the United States might do to be more helpful, and they were very open in their criticism of some of our actions because it was so hard for those representatives to interpret the United States as they felt they saw it; and on those occasions reference was made to our immigration policy.

We had considerable discussion of the wisdom of encouraging people to come out from behind the iron-curtain countries, because once they got out life was so very difficult for them. They had to have working permits to stay in the European countries; they couldn't get working permits until they had a job, and couldn't get a job without working permits. Anyway, those countries were so very limited in the opportunity that they offered, and those people were interested in coming to the United States where they felt that they had much more to give and also, those people were concerned about helping to interpret their countries and what they believe the people in the country—not the government—had as ideals for themselves, that they were striving for.

In these discussions which were very frequent, very frank, and quite unfavorable to some of the actions of the United States, there was an underlying friendliness to us, but a difficulty in being able to interpret to their people our country, and time and time again it was an immigration problem that was at the root of it, because, as they kept saying, "no matter what you say, if you don't act according to your professions of faith and your statements, they will discount entirely what you say," and the immigration question came up very frequently in quite a variety of discussions that I had with those people.

The CHAIRMAN. Thank you very much.  
Is Mrs. Roe here?

STATEMENTS OF MRS. J. FREDERICK ROE, CHAIRMAN, THE NATIONAL DEFENSE ROUND TABLE, AND MRS. HERBERT G. NASH, CHAIRMAN, THE REGENTS ROUND TABLE OF GREATER NEW YORK, NEW YORK STATE ORGANIZATION OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mrs. ROE. I am Mrs. J. Frederick Roe, 3323 One Hundred and Sixty-Ninth Street, Flushing, Long Island, N. Y.

Mrs. Herbert G. Nash and I are here as representatives of the New York State organization, National Society of the Daughters of the American Revolution. We have a letter of introduction addressed to the Chairman by Mrs. Harold E. Erb, the State vice regent, and we have a short statement I wish to read.

The CHAIRMAN. The letter will be inserted in the record and you may read your statement.

(The letter signed by Mrs. Harold E. Erb, State vice regent, is as follows:)

NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION,  
NEW YORK STATE ORGANIZATION,  
*Garden City, Long Island, N. Y., October 1, 1952.*

Mr. PHILIP B. PERLMAN,  
*Chairman, President's Commission on Immigration and Naturalization,  
Federal Courthouse, Foley Square, New York, N. Y.*

MY DEAR MR. PERLMAN: In reply to the invitation sent to Mrs. Edgar B. Cook, State regent of the New York State organization of the NSDAR to attend the public hearings being held in Foley Square at this time on immigration and naturalization, and forwarded to me, as Mrs. Cook is in Rochester at this time, I have asked the bearer of this letter, Mrs. J. Frederick Roe and Mrs. Herbert G. Nash to represent the State organization at this particular hearing.

Mrs. Cook appreciates the invitation to attend these meetings and would be interested in receiving any further information regarding the work of this Commission that you might send out for publication.

Very truly yours,

(Signed) ADELE E. ERB  
(Mrs. Harold E. Erb),  
*State Vice Regent.*

Mrs. ROE. Mr. Chairman, may we express our sincere regret, due to the receipt only yesterday of our instructions to request the privilege of appearance before your Commission, we have been unable to assemble and conveniently organize for your assistance the results of our previous studies of the subjects which are your immediate responsibility.

We appreciate, not alone the general importance of your investigation but its particular impact upon our State and city. Especially does it concern the latter, in common with other densely populated communities throughout the United States. That, at your closing hearings in Washington, the case from the standpoint of general national interest will be impressively expounded, we have little doubt; but it is our anxiety that the immediate interests of New York shall be brought vividly to the Commission's attention.

The effects upon existing statutes that may result from the possible consummation of many and varied international treaties currently

contemplated are one especial concern, and we shall hope to illuminate this aspect.

The President has brought it into focus by his Executive order creating your Commission and defining its prerogatives, through his emphasis upon (and we quote) :

the effect of our immigration laws and their administration, including the national origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of Western Europe and the serious refugee and escapee problems in such areas.

We propose immediately to undertake the preparation of a memorandum dealing with the subjects that press upon us with peculiar weight here in New York, and at this time request that we be granted the privilege of its formal submission. We request furthermore, as the Commission's convenience may admit, that we be accorded the courtesy of appearing at its later hearings in Washington, D. C.

The CHAIRMAN. Thank you. You may assume that you will be given a full opportunity to file your more complete statement, and to appear at the hearings that will be held in Washington.

Mrs. ROE. Thank you very much.

Mr. ROSENFELD. May I ask one question, Mrs. Roe? You stated at the early part of your statement that you just yesterday received this letter from Mrs. Erb. You didn't mean from the Commission?

Mrs. ROE. No; myself, personally. It went through the different steps of the organization which I represent.

Mr. ROSENFELD. I just wanted the record to be clear that the Commission had invited you as early as it invited all the others.

Mrs. ROE. Yes; you see our State regional office is in Rochester.

The CHAIRMAN. That is clear.

Mrs. ROE. Thank you.

The CHAIRMAN. Mr. Ethelred Brown will be our next witness.

**STATEMENT OF REV. ETHELRED BROWN, MINISTER, THE HARLEM UNITARIAN CHURCH, NEW YORK, SECRETARY OF THE JAMAICA PROGRESSIVE LEAGUE**

Mr. BROWN. I am Ethelred Brown, minister of the Harlem Unitarian Church, 180 West One Hundred and Thirty-fifth Street, New York City. I am also secretary of the Jamaica Progressive League of 2286 Seventh Avenue, New York.

I have a letter requesting permission to testify which I should like to submit for the record.

The CHAIRMAN. It will be received.

(The letter submitted by Mr. Ethelred Brown is as follows:)

THE HARLEM UNITARIAN CHURCH,  
New York 29, N. Y., October 1, 1952.

To the CHAIRMAN,

*The President's Commission on Immigration and Naturalization,  
Federal Courthouse, Foley Square, New York City.*

DEAR SIR: AS secretary of the Jamaica Progressive League of 2286 Seventh Avenue, I respectfully ask for permission to appear at the public hearing of your Commission today, to speak in regard to the section of the McCarran immigration law which limits the immigration of West Indians to this country to 100 persons per colony per year.

Sincerely yours,

ETHELRED BROWN.



MR. BROWN. I wasn't here yesterday so I didn't hear Mr. Walter White's statement. I came in this morning. I just wanted to add that Jamaica, from which I come, is particularly severely hit by this law.

We have been sending about a thousand Jamaicans here every year, then they knock us 90 percent off and only a hundred can come. We feel pretty hard about that.

Of all the West Indian colonies, up to 1924 as you know, the West Indians came into America without any quota—they just came in. In 1924 we came here under the quota of what we call our mother country, Britain. And on the whole the Indians have behaved very well, I think, sir, and we have added a little bit to the betterment of the country. We are decent citizens, and we can't understand why this anxiety to keep us out, and we feel pretty bad. And I think all of the people of the West Indies feel pretty bad. But the only people in this sphere that is put under that special quota happens to be the people of the Negro race. It may not be that we are Negroes, but it strikes us pretty badly that way. Nobody else would have that kind of discrimination against them, and all of a sudden.

As I said, we feel we are good people, and lots of us are here, and we just feel that—all we are asking is to at least let us go back to where we are now; let us go back to coming in under the quota of Britain. Britain never uses her quota; she always has a lot left over. It is stopping us from coming in. I have a strong suggestion to make, to let more of us come in. We suggest at any rate, our strong request is that more of us come in. We have fought and fought and we thought we settled that question that the West Indians weren't that kind of people, either by conduct or their ability to be discriminated against.

Then Senator McCarran takes it up again—and he is so nice in his letters to us—that we never thought he would be so cruel. He writes very nice letters. Now it has happened, and it is such a drop.

I went to Jamaica just 6 months ago. I went to the consulate. Only 2,000 West Indians have been here under this liberal way, and the lady in Jamaica as vice consul, she is a strict screener, so you needn't worry that too many Jamaicans are coming here. She keeps us out for all manner of reasons.

So all I ask—and I am glad I have this opportunity to ask that—all the West Indians are asking, and I am a Jamaican, but in speaking for them I speak for all; all we are asking is please don't discriminate against us, because whatever reason you give—of course it don't matter to you—but we are nice to you. We let you have your bases on our island. We behaved nice to you when you were there, and all of a sudden you say, "We don't want you here."

But I was telling you I went to the consul office and I waited to learn about a crippled young girl. The girl at the desk told the girl 4 years, the list in Jamaica is so long.

I am just glad to say that, sir. All we are asking, the West Indians, and especially the Jamaicans, you can imagine the feeling, a thousand of us came last year and a hundred only can come this year. Let us go back to the present situation. We will be satisfied with that. We were glad enough for that, under the present situation of coming in under the quota of Great Britain.

That is all we ask, and we ask it on our past record. That is a good thing to do. I can't bother to tell you some of the things we do. We have done a lot of things, and have tried to do a lot.

The CHAIRMAN. Let me ask you this: When did you first come to this country?

Mr. BROWN. I came in 1920.

The CHAIRMAN. Have you become a naturalized citizen?

Mr. BROWN. Yes, I did that 7 years after I came; in 1927.

The CHAIRMAN. And do you know what the history of most of the Jamaicans might be that come here? Do they become naturalized citizens?

Mr. BROWN. Well, most of them do. I am having a little trouble in getting some to do it, but as we say, "they saw the light."

Commissioner O'GRADY. Have you any comment to make about the importation of Jamaicans to this country temporarily for agricultural purposes?

Mr. BROWN. Yes, that is very common. They have helped this country a great deal.

We feel kind of hard because when the war was on and you wanted help, we came and helped you. Now the war is over, and you say "don't come in any more." People remember that in Jamaica.

Mr. ROSENFELD. You have given the Commission the figures that a thousand people have come in a year until now from Jamaica. Would you know or be able to submit to the Commission the figures that have come in from other parts of the Caribbean?

Mr. BROWN. I can do that; yes.

Mr. ROSENFELD. That will be very helpful.

Mr. BROWN. I will do that; yes.

Mr. ROSENFELD. Thank you.

(Additional material submitted by Mr. Brown follows:)

THE JAMAICA PROGRESSIVE LEAGUE,  
New York 30, N. Y., October 8, 1952.

HON. HAROLD N. ROSENFELD,

*Executive Director, The President's  
Commission on Immigration and Naturalization,  
Washington, D. C.*

DEAR SIR: The Jamaica Progressive League of New York, representing West Indians in general, but Jamaicans in particular, in relation to the recently enacted Walter-McCarran bill, registered its objections to those sections of the law which were obviously motivated by racial considerations to restrict immigrants from colonies in the Western Hemisphere to 100 persons per year from each colony.

In support of its objections the league submitted a memorandum to the authors of the act, to various Senators and Representatives, and to United States officials whose duties are concerned with immigration matters. Copies of the memorandum and of a letter addressed to President Truman are herewith enclosed.

Despite vigorous objections to the bill from various quarters, and the strong veto message of the President, the law was passed with its flagrant, racially-inspired restrictions. The appointment by the President of the Committee of which you are Chairman has led us to address you directly on the subject of immigration from colonies in the Western Hemisphere.

1. There are about 16,000,000 Negroes in the United States and they represent approximately 10 percent of the population.

2. The only section of the world from which there is any noticeable number of Negro immigrants is the British West Indies. These people have been entering the United States in small numbers since the founding of the Nation.

3. Until 1924, West Indians, like the other peoples of this Continent, entered the United States without quota. Their colonial status was not considered in immigration matters until the passage of the immigration law of that year.

Colonial West Indians were then placed under the quota of their "mother country."

4. It has long been the policy of the United States, in the interest of Pan Americanism, to distinguish between the peoples of the Western and Eastern Hemispheres. This was expressed by not placing any of the peoples of this hemisphere on a specific quota.

5. Regardless of the explanations and the excuses offered, the inescapable fact is that under the new law the only areas in the New World with quotas are those areas from which any appreciable number of colored immigrants had been coming to the United States.

6. That this action is rank discrimination based solely on the racial origin of the immigrants was pointed out by Congressman Adam Powell in his speech on the Walter bill in the House of Representatives on April 25, 1952.

7. While it is true that all the colonial peoples of the Caribbean are affected, the restriction inflicts the heaviest hardship on Jamaican immigrants who have been drastically reduced from approximately 1,000 annually to a mere 100. No other people have been so treated, and it is obvious that the severe reduction of 90 percent is due to the racial origin of the immigrants.

8. As we pointed out in the memorandum and appeal sent to the President, West Indians are ostensibly to be penalized because of their colonial status, but really it is because they are Negroes. This penalization by the United States Government, though thinly disguised as placing all the colonies of the world on the same basis even though all nations of the world are not on the same basis for immigration purposes, violates the principle and policy of inter-American unity and amity, and is calculated to create anti-American feelings in areas on which United States military bases are located. There was considerable public resentment in the British Caribbean colonies when the McCarran Act was mooted and when it was passed.

9. It was a great surprise to this league to learn that the Walter-McCarran bill had the support of the Department of Justice and the State Department, as well as the approval of other responsible officials of the United States Government. It had been the belief of the league that officials charged with fostering unity among nations and whose Government are interested in promoting unity in the Americas would be loath to contribute to actions which reflect adversely on the United States while breeding resentment and enmity against this country. Moreover, the support given by United States officials to racially inspired Hitler-like laws in matters of immigration is a departure from the lofty pronouncements of Secretary Acheson and President Truman and American representatives in the United Nations, and a retreat from the humanitarian principles and traditions of this Nation.

Finally, our league appeals to you to recommend to Congress that the section of the McCarran law which assigns special quotas for colonial peoples of this hemisphere be eliminated. On behalf of the Jamaican people, we again point out that they are the worst sufferers from the racial prejudice which has been so glaringly expressed in the new immigration law.

Respectfully yours,

ETHELRED BROWN, *Secretary.*

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THE JAMAICA PROGRESSIVE LEAGUE,  
New York 30, N. Y., February 18, 1952.

Mr. H. J. L'HEUREUX,  
*Chief, Visa Division, Department of State,*  
Washington, D. C.

DEAR SIR: The directors of this league, which was organized on September 1, 1936, approach you not only in the name of its members, but also in the name of all Jamaicans resident in this city, a large proportion of whom are naturalized citizens of the United States.

Feeling great concern over the McCarran bill, S. 2550, and the Walter bill, H. R. 5678, which are designed to limit the number of immigrants from colonies in the Western World to 100 persons per colony per year, the directors respectfully beg to submit the following observations on the proposed legislation, with the request that you forward the arguments presented and the facts adduced to the proper officials of the Senate and of the House of Representatives, to the end that the views herein expressed may receive the careful and sympathetic consideration of the Congress of the United States, with the result that the specified clause in the bills in question may not be enacted into law.

Even before this Nation achieved its independence, immigrants from the West Indies had been coming to these shores. Though few in number, these immigrants made valuable contributions to the life and growth of the United States. The part played by Alexander Hamilton of Nevis in helping to establish this country as a free nation is too well known to require rehearsal here. Mention must also be made of Alexander Dallas of Jamaica, who was Secretary of the Treasury from 1814 to 1816, and also Secretary of War for a period of time. Historians agree that he was the first man to place the finances of this country on a sound basis, and that he was a very valuable citizen during the most difficult days of the Republic. His son was elected Vice President during the administration of President Polk and served from 1845 to 1849.

Evidence exists to support the claim that Crispus Attucks, the first man to shed his blood in the cause of American freedom and independence, was a colored native of the Bahamas. Jan Matzeliger, a colored citizen of Dutch Guiana, invented the lasting machine which laid the foundation of the undisputed American supremacy in the manufacturing of shoes.

Immigrants from the Caribbean area have produced outstanding men and women who, in many walks of life, have throughout the years made substantial contributions to the progress, power, and greatness of their adopted country—professionals, public officials, scientists, artists, authors, inventors, businessmen, actors—and thus, by their brain and brawn have helped to make the United States of America the Nation it is today.

In the early days of the United States no attempt was made to limit or exclude immigrants from the Caribbean area. However, in 1914, a bill was introduced in the Congress to place West Indians, because of their race, in the same category as the peoples of Asia, who were denied admission and were not eligible for American citizenship. The bill was disapproved by President Wilson and was not pressed for passage.

The first time that West Indians were placed on a quota basis was when the present immigration law was passed in 1924.

Even before the Monroe Doctrine was enunciated, it was the settled policy of the Government of the United States to give prime consideration to the peoples of the Caribbean region, regardless of their political status. This consideration derived from over-all hemispheric interests involving questions of politics and military defense. Concrete expression of this hemispheric concern was given in the immigration law referred to in the preceding paragraph. While this law operates to limit the percentage of peoples to enter the United States it also accords to the colonials of the Western World, as part of the American family of peoples, the right to immigrate into the United States under the quota of their particular "mother country."

In 1949, a bill was introduced in the House of Representatives ostensibly to liberalize the conditions governing the entry of Asians into the United States. Included in this bill was a clause to limit the number of Caribbeans entering the United States to 100 per colony per year. Thus the bill, while proposing to help the peoples of Asia struck a body blow at the people of the Caribbean who were still colonials. While the clause was clearly an attempt to restrict the trickle of West Indians entering the country it also threatened to interfere with the establishment and preservation of inter-American unity and amity which underlies the present law. Immediate action on the part of West Indians and their friends resulted in the nonpassage of the bill.

Now, however, the McCarran and Walter bills seek to do the same thing to West Indians as was attempted by the Judd bill of 1949.

Unfortunately, American citizens of West Indian birth or descent and their American friends did not learn of the McCarran and Walter bills until both bills had been reported out of the Judiciary Committees, and hence were unable to appear at the hearings that were held.

However, though late, the directors of this league, venturing to speak in behalf of all those who will be affected by the provisions of both bills if passed into law, respectfully present their case in the confident hope that after due consideration the Congress, by refusing to pass the sections of the bill intending to limit West Indian immigration, will permit the present arrangement to remain in force undisturbed.

The directors submit the following:

1. The peoples of European colonies in the western world are Americans in exactly the same continental sense as are Canadians, Mexicans, Cubans, Argentines, and the citizens of the United States.

2. The existing arrangements has worked to promote amicable inter-American relations.

3. To place West Indians on special quotas is to single them out of all American peoples for discriminatory treatment—stigmatizing them because of their political status—which discrimination will be violative of the principles of inter-American friendship and unity as expressed in the immigration law of 1924.

4. Statistics of the Visa Bureau show that although theoretically the unused British quota should be available to British West Indians, only a very small number has entered the United States annually because of the control exercised by the Division of Visas.

The foregoing arguments are based on the principle of inter-American unity and friendship and are a plea for its continuance by allowing the 1924 immigration law to continue to operate insofar as the peoples of the Americas are concerned.

In addition to the foregoing the directors submit the following which are based on other grounds:

(a) West Indian immigrants to the United States have been useful and valuable assets to this Nation.

(b) Through the opportunities enjoyed by West Indian immigrants they have secured skills and knowledge which helped them to improve themselves as individuals and to return to their homelands as leaders and as friends of the United States in those areas.

(c) The economic plight of the island is desperate, and the few who enter this country, apart from contributing their varied abilities to the United States, have sent dollars to their native countries which have helped to relieve the dollar shortage of Great Britain.

(d) The United States created the Caribbean Commission, and that organization, familiar with conditions in the West Indies, declared in a resolution passed at one of its recent conferences, that Great Britain, France, the Netherlands, and the United States should recognize and encourage emigration from the Caribbean as a means of relieving the distressing economic and social conditions in the area.

(e) It is in the interests of the United States, in keeping with its present policy, to relieve distress all over the world, especially in the backward regions; therefore any reduction in the number of West Indian immigrants into the United States will tend only to worsen the conditions in those islands.

The above is respectfully and earnestly submitted in the hope that the Congress will be pleased to permit the present immigration law to stand insofar as West Indians are concerned.

Sincerely yours,

ETHELRED BROWN, *Secretary*  
(For the Directors).

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THE JAMAICA PROGRESSIVE LEAGUE,  
*New York 30, N. Y.*

HON. HARRY S. TRUMAN,  
*President of the United States,*  
*Washington, D. C.*

DEAR MR. PRESIDENT: Noting with deep sorrow that the McCarran bill (S. 2550) has been passed by the Senate and will soon be placed before you for signature, the Jamaica Progressive League, whose membership is largely composed of American citizens of West Indian birth and descent, most earnestly and respectfully appeals to you to exercise your constitutional authority and veto said bill.

The league is aware that there will be many other requests made to you to veto the bill because of several of its provisions. In view of this, this league has decided to confine its objections to the features of the proposed law which will directly affect the welfare of the West Indian peoples.

In asking you to veto the bill, we beg to reemphasize the points contained in a memorandum which we presented to the author of the bill, to Senators and Representatives, and to the State Department, a copy of which is hereto attached.

1. The McCarran bill, while purporting to liberalize the entry of Asian immigrants, at the same time aims drastically to reduce the small number of West Indians who enter this country annually under the British quota. It has been estimated that the reduction from Jamaica will be 90 percent of the number of Jamaicans now entering the United States. In other words, the McCarran

bill takes away with one hand from colored West Indians more than it gives to Asians with the other.

2. It is quite obvious that the section of the bill which is designed to reduce West Indian immigration is inspired by considerations of race. Proponents of the bill claim that the reason for fixing a quota of 100 persons per colony annually for European colonies in the Western Hemisphere is to equalize all colonies for immigration purposes. It must, however, be observed that under the 1924 immigration law none of the peoples of this hemisphere, whether independent or colonial, is on a fixed quota, for in conformity with the policy established by this country, even before the Monroe Doctrine was officially announced, they are all regarded as Americans in the continental or hemispheric sense and treated as such in the interest of Pan American unity, and to cement inter-American relations for security and to promote the good neighbor policy of the United States Government. If, as is intended by the McCarran bill, there is to be a change in the good neighbor policy by placing the colonial peoples of the Western Hemisphere on par with the colonial peoples in the rest of the world, it would appear that consistency and fair play would require that a similar equality be also established for all independent nations as well. This would effectively indicate an absence of any intent to discriminate.

By limiting the change in policy to colonies, and to them only, it is clear that there is a special reason for doing so. It must further be noted that the West Indies is the only area from which a small number of immigrants of African descent enter this country, and it is significant that it is precisely these people who have been singled out for a severe reduction in the number to be allowed to enter the United States; and to achieve this end there is to be a complete reversal of the policy and practice of the good neighbor in inter-American relations.

It is only natural that West Indians in the United States as well as their kinsmen in the Caribbean deduce that the real motive and purpose is to discriminate against colored West Indians as they constitute the largest number of the few Negroes who immigrate into the United States. We are not alone in arriving at this conclusion, for the discrimination was fully revealed at the hearings held by the Judiciary Committees, according to press reports.

3. The bill will produce a condition contrary to the recommendations of the Caribbean Commission, an organization which was founded at the instance of the United States Government, and of which the United States is the most influential member. The Commission in two instances recently recommended that there should be no racial barriers against immigration of West Indians to the mainland countries.

It is the feeling of the Jamaica Progressive League and its supporters that the passage of the McCarran bill constitutes a retrograde step in the relations of the United States with the colored peoples of the Western Hemisphere, especially in areas which are essential for hemispheric security and defense.

Hundreds of West Indians have returned to their homelands after residing in the United States and these men and women have done yeoman service in trying to remove false concepts as to racial conditions in this country. The McCarran bill tends to undo their work and will convince West Indians and the entire world that despite its pronouncements over the Voice of America, despite your own democratic utterances which were broadcast to all humanity and despite the great democratic traditions of this country, the United States intends deliberately and openly to attach a stigma to certain sections of the human family because of their race and their color.

Finally, Mr. President, the McCarran bill contravenes the democratic and humane principles of civil rights and the Fair Deal in human relations for which you have consistently fought and is in violent contrast to the principles and ideals contained in the declaration of human rights which was recently enunciated to the world by the United Nations.

Because of the foregoing reasons, the Jamaica Progressive League again earnestly urges you to veto the McCarran bill.

Respectfully yours,

ETHELRED BROWN, *Secretary.*

The CHAIRMAN. Father Gibbons, you may testify.

STATEMENT OF REV. WILLIAM J. GIBBONS, S. J., INFORMATION OFFICER AND MEMBER OF THE EXECUTIVE COMMITTEE, NATIONAL CATHOLIC RURAL LIFE CONFERENCE

Father GIBBONS. I am Rev. William J. Gibbons, information officer and a member of the executive committee of National Catholic Rural Life Conference, which I represent. My address is 30 West Sixteenth Street, New York City.

I have a prepared statement I wish to submit for the record, and have some comments to make.

The CHAIRMAN. Your statement will be inserted in the record.

(The statement of Rev. William J. Gibbons, information officer and member of the executive committee, National Catholic Rural Life Conference, follows:)

The item listed under section 2 (c) of the President's order establishing this Commission is the one on which I wish to comment. It has to do with the effect of our immigration and naturalization laws, and of their administration, on the conduct of foreign policy, and with the need for authority to meet emergency conditions.

Admission of aliens into the United States, and their integration through the process of naturalization, are not solely a matter of domestic policy. What the United States does regarding people from other countries has repercussions elsewhere, psychologically, economically, politically. It may help or hinder, the achievement of objectives currently pursued through foreign policy, and thus has a bearing on that policy. Other nations may become resentful, justifiably or unjustifiably, at what we do, or they may approve and follow our example. The movement of people over international boundaries, moreover, has a relationship to economic and social conditions within the country of emigration as well as the country of immigration. In a world in which our Nation cannot escape from international cooperation, and in which conditions elsewhere must be taken into account, it is very important to remember this relation of immigration practice to foreign policy.

Some historical examples could be cited. When the United States closed its doors to import of slaves, this proved to be not only a stepping stone domestically toward eventual emancipation, but an indication internationally of our attitude toward the slave trade. Later, the generally free immigration policies of the nineteenth century aided domestic development, and at the same time established a pattern of relationships with European countries and peoples which still persists. Moreover, it set an example of peaceful coexistence of these peoples which could well be studied by Europeans at this time.

The established policies toward immigration of persons from the Western Hemisphere not only indicates our confidence in these peoples as possible citizens, but also expresses certain convictions about hemispheric solidarity which are closely allied with foreign policy. Contrariwise, the Exclusion Acts, the "Gentlemen's Agreement," the Asiatic Barred Zone, all have tended to worsen United States relations with Asian nations. The resentments and suspicions fostered are felt today, and American leadership among those nations was weakened.

It is natural that the long-standing relationship of the United States with Europe should be expressed in more ample immigration opportunity afforded Europeans. But United States immigration policy as expressed in the national origins quota system needs to be reassessed in the light of both principle and experience. So far as practice is concerned, it has not achieved its objective of preserving a certain proportion among the various European immigrants admitted. The countries with the largest quotas, especially Great Britain and Ireland, do not send immigrants in numbers comparable to the quotas, whereas many countries with smaller quotas fill theirs regularly, and in the case of countries of origin of refugees there is an oversubscription for years to come.

As regards the British quota one point especially should be noted. The number of prospective immigrants from Great Britain is not such as to result in the full number of 65,000 being used. In fact, of the immigrants leaving the United Kingdom annually most are to Commonwealth countries, and it is expected that this trend will continue. No long-range policy in this regard has been made public as yet, but it is to be anticipated that such a preference will be

encouraged as matters now stand. Nor is large scale emigration from the United Kingdom as yet an established fact, even though the trend of the prewar years has been modified in the direction of emigration. It is noteworthy that the Royal Population Commission in its report (1949) drew attention to the harmful effect upon Britain that too large emigration might have, due to the decline in birth rate and aging of the British population. All these factors must be taken into account in reassessing the unduly large quota number which the national origins provision assigns to Great Britain.

Despite the number of visas left unused by the British, Irish, and certain other Western European countries, the desire for and need of emigration from other countries of Europe remains high in comparison. In line with its foreign policy objectives the United States would from time to time, and also on a continuing basis, wish to assist the peoples of some of these countries. Thus foreign policy would have helped refugees from nazism, and later refugees from communism, but found its way blocked by an inflexible quota system which gave preference to Western Europe and not all the countries there. Today, it is part of the United States psychological struggle with communism, as well as a demand of human decency, that some assistance be given to escapees from communism and other groups in Europe who stand in need of resettlement. Obviously, the United States cannot resolve the whole problem. But if it took the leadership, as was done under the Displaced Persons Act, then other countries would probably follow suit, as they did previously.

But I do not base my recommendation for a more realistic system of distributing visas on the present emergency needs in Europe. The national origins system needs an overhauling whether or not any special problem existed, nor should immediate assistance to certain categories of potential emigrants from Europe be delayed until revision of the national origins system can be accomplished. That would equally be against the best interests of foreign policy aiming to accomplish prompt results related to pressing economic and political conditions in Europe.

As regards revision of the national origins system, I am convinced that ways may be found, after study, or assigning visas to Europeans on a workable and acceptable basis. One such method would be the pooling of quotas provision, which has already been proposed. It would be an improvement, administratively, over the present arrangement and would certainly be more flexible. But it should be noted that the unsatisfactory basis for distribution of visas—according to national origins groupings in the United States at a certain date—would still remain, and would merely be concealed. Moreover, the proposal as made gives no assurance that the unused visas would be given the groups most needing them at once, and whom it is in the interests of over-all United States policy to aid. Yet it would be an improvement, and would be of some use for special situations. It would at least assure that 150,000 Europeans could get immigration visas each year, whether or not certain countries used their quotas.

I am not at all convinced that foreign policy of the United States would best be assisted in the immediate present by merely putting unused visas into a pool for redistribution on a first-come, first-served basis. In normal times this would probably work out quite satisfactorily, and could therefore be considered in connection with finding a substitute formula for permanent immigration policy. But I for one sincerely hope that present conditions in Europe will not be permanent.

I agree with those who say that 150,000 visas a year to Europeans of satisfactory character is not too large a number. In fact, it could be increased to 200,000 or 250,000 without adverse effects being felt in the United States or without problems of integration being created. In the past our country has taken many times that number annually and succeeded into making them into good Americans. Our country is large, and if proper distribution of immigrants throughout the Nation were accomplished through selectivity and incentives, the presence of the new immigrants would hardly be felt. Demographically speaking, there are questions of people-resource relationships to be considered. It would be something less than honest to ignore this side of the question. But United States resources are great and productivity is growing faster than population. The long-term population trend in the United States—as in Western Europe—is such that stability or even decline, rather than increase is likely to be with us in a matter of decades. In any case the rate of increase will be less as the population ages. The experience of the immediate postwar years is no proof that the trend has changed, but only that marriages and child-bearing were delayed in the depression years and during the war.



There are several ways in which the 150,000-250,000 visas a year could be distributed to Europeans. One would be to remove all restrictions based on nationality and recognize a "European man" which is actually coming into existence, in fact existed before but was obscured by national animosities and differences. This would be fully in line with United States foreign policy urging integration, economically and politically, of free Europe. It would also create a new link with the captive nations of the Soviet Russian empire, whether added before 1939 or after. Such a way of assigning European immigration visas has much to commend it, especially in view of developing foreign policy and the progress of European integration.

Another method of distributing the over-all European quota, different from the first-come, first-served basis, would be to assign numbers annually to countries according to needs and prospective emigration, as well as the current international situation. Still another would be to divide up the over-all European quota according to the ratio of populations in each country. This would at least remove some of the inconsistencies evident in the workings of the national origins system, which makes the distribution according to percentages in the United States, as if that were irrevocable and final. If annual or biennial assignment of quotas were envisioned, it would be necessary to have a joint congressional committee, or an interagency body, or some office of Government, make the allotments. If the ratios were determined according to populations of European countries, this need would not exist, but the result might be less flexible.

It needs to be emphasized that a sound policy regarding European immigrants could do much to minimize the antagonisms and resentments among the Europeans themselves. This is certainly in accord with United States foreign-policy objectives.

But improvement of the method of distributing European immigration visas in permanent United States legislation does not necessarily assure satisfactory action on immediate and urgent problems. I said above that I hope the present political and economic crises in free Europe will not be permanent. I wish to elaborate briefly on that point. Certain situations exist which are by their nature temporary, even though not as temporary as we might wish. I refer to the plight of refugees, escapees, and certain other categories now in Europe outside the iron curtain. Most of the problems center around Western Germany, Austria, Italy—two of which have general elections in 1953 amidst considerable social unrest—but extend to other countries as well.

The categories I have in mind, and which require prompt attention in the interests of a strong psychological war against Russian Communist imperialism are as follows:

(1) Pipeline DP's already processed or in process, who never received visas because of termination of the DP Act. Provision should be made for a reasonable number, on the understanding that if the United States takes initiative other countries will be encouraged to do likewise.

(2) Other refugees not in pipeline, who are still not integrated into the economies of Germany and Austria and who are unlikely to be so integrated. Forced residence in a country unable to receive them or in which they are seriously discontented, would not be the lot of these people.

(3) Escapees of recent and present origin, a number of whom seek immigration opportunity to the Western Hemisphere, and some of whom certainly can make a contribution to the United States at the same time we assist them individually. Proper treatment of these escapees is of tremendous importance in our psychological warfare with Soviet Russia.

(4) A number of unassimilated German ethnics, especially the Volksdeutsche who are not at home or economically self-supporting in Germany. It is estimated that about several hundred families (about 1 million persons) are in this category, most of them farm families. To prevent undue draining of youthful population from demographically weak Western Germany, the emphasis should be placed on resettlement of families and not individuals.

(5) Refugees and escapees in Trieste or Italy, who are in the same plight as those in Germany or Austria.

(6) Repatriates from Africa who have not been assimilated into the weakened Italian economy.

(7) A number of underemployed, or other good potential emigrants from such areas as the Netherlands, Italy, Greece. All of these areas are the victims of either economic disruption consequent to loss of colonies or of civil war and repatriation.

Should European integration progress satisfactorily, as it is to be hoped it will, then freer movement of people within Europe can be expected. Moreover, certain economic and trade problems would be minimized. But it still needs to be recognized that emergency situations exist, especially as regards the categories mentioned, and that we cannot sit around waiting until integration occurs. Even when it does Western Europe will be at a disadvantage so long as normal trade cannot be carried on with food-producing areas to the east and elsewhere in the world. We cannot allow Western and free Europe to starve to death while we wait for an ideal solution for its people-resource problems, for improvement of its productivity, for restoration of freer trade.

United States foreign policy vis-à-vis Russian Communist imperialism must be and remain flexible and prepared for temporary action at the same time long-term objectives are being pursued. Proper handling of the European emigration question is related closely to such a policy.

It is to be expected that both the long-term and immediate migration needs of Europe will be given full consideration by the joint congressional committee established pursuant to the new immigration law. In addition, other congressional committees studying present conditions in Europe will undoubtedly have concrete recommendations to make.

May I put in a word for United States support for the work which began at the Brussels (PICMME) conference last December. This effort needs support. It needs not only a modest contribution in dollars, but also the offering of immigration opportunities on the part of countries able to take a share of the European emigrants. The United States is one such country.

May I also point out that support and encouragement of this particular effort in no way militates against the U. N. work for refugees. The U. N. High Commissioner for Refugees already has a large task cut out for him, within terms of his mandate, to promote legal protection of refugees and assist in their integration in the countries in which they find themselves. His work is complementary to, and necessary also to that being carried out under a body established to assist actual movement of migrants. The U. N., moreover, has an additional task of helping resolve such refugees and resettlement problems as those in India and Pakistan, and those growing out of conflict between Israel and the Arab states. The U. N.'s task is to see if some permanent resolution for such problems cannot be arrived at. Like many others, I am unhappy to recall the refugees not firmly resettled both in the India-Pakistan area and in and around Jordan. Unlike the situation between the Western World and Communist Russia, much can be done to resettlement of these refugees by having the governments concerned reach a settlement. Such was worked out between Greece and Turkey after World War I, and in other non-Communist areas.

As regards European immigration to the United States in the future, I would recommend:

1. Revision of the national origins quota system to bring it into line with European demographic realities, and to promote political and cultural integration of Europe. This is a matter for revision of permanent immigration law.

2. Meeting of certain situations, by their nature temporary, through legislation along the lines indicated as desirable in President Truman's message of March 24, 1952.

Through both these steps United States foreign policy can be furthered. There is, however, urgent priority for immediate action with regard to No. 2, in order to strengthen our psychological strategy during 1953.

Turning to Asia, there are certain aspects of immigration law which touch intimately upon foreign policy, as well as having a bearing on decent human relations. The psychological effect of the exclusion acts has already been referred to. We have now taken courageous and far-seeing steps in removing forever "race" as a barrier to immigration and naturalization. We have also taken significant steps, as far as United States-Asian relations are concerned, in providing quotas for all Asian countries and for dependent territories. These and some steps of comparable nature are acts of statesmanship, the full import of which is not yet fully appreciated.

What has been done vis-à-vis Asians points the way to what must still be done, namely, removal of all restrictions based solely on race and racial ancestry. What remains to be done should not blind us to what has already been accomplished.

Similar statements should be made concerning the underdeveloped continent of Africa, from which emigration is likely to be small indeed. The situation there is complicated by the dependent and trust territories about which the United

States is in no position to take completely independent action. While we urge and encourage early self-sufficiency and self-government for these and similar areas, we must meanwhile recognize the situation for what it is. For the present, Africa presents no particular problem as regards United States immigration law. We should, however, continue to promote the sense of world community and take appropriate action when this seems necessary.

It is not to be expected that the permanent immigration law can foresee all contingencies, and provide for them. It is perfectly sound policy to provide temporarily for such contingencies as they arise, and as the situation demands.

United States action in supporting resettlement of European problem categories would encourage other nations to act. It would also encourage various adjacent non-Communist states, which have refugee problems of their own due to various conflicts, to solve these problems through active resettlement. Resolution of such refugee problems would greatly reduce the financial strain placed upon the limited budget of the nations in question and of the United Nations.

The United States helped bring PICMME into existence, and earlier was cooperating actively with IRO. The contribution of funds was but one part of the program. The other part, an important one, was providing opportunity for the peoples seeking resettlement. To do so again as regard the categories indicated above would be to further United States foreign policy at this time. It would encourage other nations to act also.

Father GIBBONS. Immigration and integration through the process of naturalization cannot be a matter solely of domestic policy.

Now it seems to me that in the course of our country's history, immigration policies had a very definite effect upon the conduct of foreign policy. It has been a surprise to me that the two were not more closely integrated.

Looking way back we can see that not too long after the Revolutionary War a decision was made to exclude for the future the admission of slaves into this country. That served as a declaration to the world that we would have no further part in the slave trade; at the same time it gave an indication to our people domestically that it was in process.

The fact that that domestic goal was not achieved peacefully is beside the point. The influence internationally was had, nevertheless.

The generally free immigration policies of the nineteenth century had a very great bearing upon the development of our country, economically and politically, and established close ties with Europe at the same time. I think it is something that is not too frequently appreciated, how close those ties are. It set an example of peaceful coexistence for the people of Europe.

Now I am going to say something in the other direction where an example of immigration policy had a harmful effect in our relations abroad; that is, in connection with the Exclusion Act, the "Gentlemen's agreement," and the establishment of the Asiatic Barred Zone. That created misunderstanding in the Far East which we are still trying to live down.

We today, of course, are committed to removing as rapidly as is socially possible without complete upheaval the concept of white supremacy from the world. The removal of that is something of which I am most eager to see and to see accomplished. On the other hand, I think we have to recognize the fact that we cannot proceed as if there were no problem in the world socially and economically, and we would have to take this into consideration in thinking about immigration in the United States.

It is a tribute that people want to come here in such large numbers. I have spoken to numbers of Europeans in the process of emigrating

and people who actually came here, and their preference for the United States is noteworthy, I am sure, on account of the many people who came to this country.

Now I think there are two aspects to the question. One is the question of long range to the immigration policy, namely, the way we are going to treat people from the foreign countries who wish to migrate to our shores, and the question of using immigration policy temporarily or not so temporarily as a means of promoting our foreign policy objectives.

It strikes me the quota system has done quite a bit to frustrate our policy objective. Certainly Europeans would be made to think more of us if there were no such policy. I realize, of course, the historical setting in which that policy grew up, and I understand full well that one cannot remove historical prejudices overnight.

On the other hand, I think we are arriving at the day, and I hope quickly, at what might be called European-minded. That is something that is a reality; it has been in the past and we hope it will be more in the future. It is emerging. There is a common bond between all Europeans which cannot be gainsaid. It is not one based on race. It is one based on a community of ideas and on a historical cultural heritage.

Now I think as far as the practical workings of the national origins quota system over the past 20 years is concerned, they have been noted as being unsuccessful in achieving the objective of preserving a proportion among the immigrants comparable to that existing in our country supposedly at the time that the system was put into effect. The people from the high-quota countries of Western Europe, particularly Britain and Ireland, just have not come.

Now in that connection I did some research work in the Population World Commission Report, 1949, of the British Government, and found that they had some interesting things to say. I realize it is drawn up against the background of what might be called restrictive immigration policy as far as the United Kingdom is concerned. But the rest of it is satisfactory immigration, ranged between 65,000 and 150,000 a year. Now it is an established fact that most of the British immigrants will normally tend to gravitate to the Commonwealth and not to the United States, no matter how much the kinship between Americans and British has been established in past days.

In view of that fact, the assignment of a quota which we have given to Great Britain and North Ireland is not realistic.

Now we who are endeavoring to aid various European nations have to take into account their economic problems, their political problems, their attitudes, their psychological reactions toward the situations that have confronted them in many of these postwar years, and whether we like it or not if we fail to do that it will have repercussions in the pursuit of harmony in this world by us, particularly the European portion of it.

It seems to me on a long-range basis therefore we simply have to find ways and means for finding substitutes for national origin system as it is written into law at present. It is not an easy task and I recognize it because I have worked in this for a good while now.

I am going to make several proposals or possible solutions to the problem. One has already been made, namely—well, they are all

listed in the statement that has been handed to the Commission. One is on the proposal of distributing visas each year. We could redistribute the quotas to the people who are eager to emigrate. Nevertheless, I think there are obvious limitations to that proposal. In the first place, it doesn't remove the national origin system, there it merely conceals it, and that is an important fact. Then the ethnic groups here in the United States at a given date still remain the way on which we made the initial quotas. I am opposed to retaining that at all, if it is at all possible.

I think therefore that we have to find other ways. Namely, we could just ignore European boundaries and provided people were suitable potential immigrants to our countries, consider them as a single species, namely of European mind. From there in it would be on a first-come, first-served basis. Now in normal times this would probably work out satisfactorily. But I think we have to consider some exceptional times. The second method I can see of handling it is distributing according to economic needs, foreign policy objectives, and the desires for immigration of the peoples in Europe. The difficulty of that of course is that you would have to have a body, immigration committee or joint committee of Congress or some agency of Government designated to perform the rather disagreeable task of annually assigning the quotas or visas to the different areas. I wouldn't want to be serving on any such committee.

The third method I can see as a possible solution is the reassigning of the 150,000 or whatever number we would judge, and I would certainly think there would be no difficulty of absorbing 250,000 from Europe—I think some high figures have been thrown around here lately, but anyhow that seems to me to present no difficulties—that they could be distributed in proportion to the populations of the various countries in Europe.

Now that would have a significant effect upon the present method of distribution. First it would place the emphasis on the other countries as well as our own desires of having immigrants from a certain area, and it would in that way make sure that there was a line that was more realistic. Some of the high quota countries of Western Europe would then be cut down, and some of the other countries presently quite low on the list would move up, and therefore you would have a more equitable distribution.

Now I am not going to go into that any more, because I think that the long range problem has to be studied very carefully and I hope that this Commission will come up with a satisfactory suggestion for the national origin problem.

The immediate problem in Europe I would like to speak on now. Whether or not we effect a change on the long-range policy, we have to face the fact that there is an immediate situation. There are categories of people and particular groups in Europe who stand greatly in need of resettlement in order to promote economic stability on the European continent. The categories I have in mind I have listed in page 4 of my prepared statement.

The first is the pipeline, and that was never used because of the DP Act passed last December.

The second were not in pipeline but are those who are definitely not integrated, or who are unlikely to be so integrated into the economies of Germany and Austria.

The third one, escapees of recent and present origin, a continuing type, a number of whom seek immigration opportunity to the Western Hemisphere, and some of whom certainly can make a contribution to the United States at the same time we assist them individually. Proper treatment of these escapees is of tremendous importance in our psychological warfare with Soviet Russia.

The fourth group that I want to stress is that of unassimilated German ethnics, especially the Volksdeutsche who are not at home or economically self-supporting in Germany. It is very important we consider this group. It is very easy here to throw around a staggering number that would frustrate anyone interested in resettlement. Using such exaggerated figures serves no useful purpose.

I would only emphasize this; that it should be according to families and not individuals, because most of these under No. 4 are farm families. To prevent undue draining of youthful population from demographically weak Western Germany, the emphasis, then, should be placed on resettlement of families and not the individual.

No. 5 category is the refugees and escapees in Trieste or Italy, who are in the same plight as those in Germany or Austria.

No. 6 is repatriates from Africa who have not been assimilated into the weakened Italian economy.

And No. 7, a number of underemployed, or other good potential emigrants from such areas as the Netherlands, Italy, Greece. All of these areas are the victims of either economic disruption consequent to loss of colonies or of civil war and repatriation.

I am not suggesting the United States take all these people in. But we should promote the resettlement of these people in a proportionate share with other countries of the world. Other countries can participate in the resettlement program and it was established at the Brussels conference. I think the United States should get behind such a quota.

Specifically to the United States immigration from Europe, one, revision of the national origins quota system to bring it into line with European demographic realities, and two, to promote political and cultural integration of Europe. This is a matter first for revision of permanent immigration law; secondly, by meeting of certain situations, by their nature temporary, through legislation along the lines indicated as desirable in President Truman's message of March 24, 1952.

Through both these steps United States foreign policy can be furthered. There is, however, urgent priority for immediate action with regard to meeting the temporary situations, in order to strengthen our psychological strategy during 1953.

With regard to Asia, I will say something briefly. I was encouraged by the fact that race has been removed as a barrier to our country. I think it is a significant step on a long-range basis. I also think the significance of this step will be gradually appreciated as time goes on. It has not been appreciated as yet. The same can be said of the assignment of quotas to all of these countries and the dependent areas.

In another great area of the world, Africa, the problem still is not as acute for a number of reasons, one being that migration is not so great. It is an underdeveloped country and very much underpopulated.

I think we Americans have to recognize there is such a thing in the world and take it into account. I am not happy about the fact, but

in this whole question of removing barriers based on race and ethnic distinctions, I think there are times when time is of the essence, and whether we like it or not it won't be accomplished overnight. If we try to push too hard, we will create the opposite effect of what we are trying to accomplish.

I would like to conclude by saying emphatically that, with regard to Europe, Americans have a great responsibility for trying to help Europe promote its own political and economic stability within the European Continent, and I think that foreign policy can be pursued by pushing the special action that has been urged by President Truman in his message of March 24, 1952, along with the long-term objectives. I do not think, however, that the special action should be imperiled by tying it up in package arrangement.

The CHAIRMAN. Do you think it ought to be treated separately?

Father GIBBONS. Yes; I do.

The CHAIRMAN. Thank you very much, Father. We appreciate the time and effort that you have put into making that statement.

The CHAIRMAN. Dr. Solomon Dingol.

#### STATEMENT OF SOLOMON DINGOL, ANDREW VALUCHEK, AND EDGAR L. TRIER, REPRESENTING THE COMMITTEE OF EDITORS OF AMERICAN FOREIGN-LANGUAGE NEWSPAPERS

Dr. DINGOL. I am Solomon Dingol, editor of *The Day*, a Jewish publication. I am accompanied by Andrew Valuchek, editor of *New Yorksky Dennik* and *New Yorksky Listy*, Czechoslovakian papers; and Edgar L. Trier, editor of *France Amerique*, a French paper. We are here as representatives of the Committee of Editors of American Foreign-Language Newspapers, representing 18 newspapers in 12 languages. My address is 100 Grand Concourse, Bronx, New York, N. Y.

We have a joint prepared statement which I will read, if I may.

The CHAIRMAN. You may do so.

Mr. DINGOL. Mr. Chairman, members of the Commission, we, editors of American newspapers published in foreign languages in this country, loyal citizens of the United States, conscious of the traditions of liberty of our beloved country and aware of the feelings, the thinking, the philosophies of our foreign groups in this country and abroad, appreciate the opportunity to present this statement to you on our country's immigration policy.

We feel that we can speak with authority on the distressing effect of the restrictive and discriminatory immigration policy of the United States on the peoples abroad who look to us for enlightened leadership and equality of treatment for all races and nationalities.

We make this statement in the realization that a change in our immigration policy is necessary to keep faith with our friends and to maintain our leadership in the free world. We believe that—

1. The quota provisions under the Immigration and Nationality Act (known as the McCarran Act) are contradictory and defeat their own purposes.

The law provides for the annual admission of 154,657 immigrants to the United States. During the past two decades no such number has been admitted in any one year. During some years we have received

less than half of that number. Despite this, the McCarran Act does not charge the 400,000 displaced persons admitted to the United States under the Displaced Persons Act of 1948 against the deficiencies of the previous years, but instead mortgages the future quotas of every country in which the displaced persons were born. The new immigration law requires that 50 percent of the immigrants who were admitted to the United States during the past 4 years under the Displaced Persons Act should be charged against the quotas of the countries of their national origin. This means that the meager quotas of countries like Estonia, Latvia, Lithuania, and many others which suffered most from Nazi oppression and are now under Communist domination, will be cut in half. These countries will not be able to make use of their full quotas for many years to come and in many cases for as long as 50 years, or even more.

A vast number of freedom-loving people in totalitarian countries are now working for the liberation of their lands. Their lives are in constant danger. In fairness to them, and by way of encouragement, they should be given a chance to come to the United States at least within the full quotas of their respective countries.

2. It has been significantly pointed out by social scientists that the national-origin theory, on which our quota law was based, is unsound. We submit that it is also undemocratic and unrealistic. Political and economic conditions in many countries have undergone changes since the quota law of 1924 went into effect. It is therefore inadvisable and unrealistic to base admissions to the United States, in the year 1952, on situations and conditions that prevailed in 1924. May we respectfully suggest that, if our quota law must remain on the statute books, a new basis of allocation of quotas be established, more in line with the present conditions in foreign countries and in the best interests of the United States.

3. The new immigration law creates two classes of citizenship. The naturalized citizen does no longer enjoy the same rights and protection under the law which is accorded to the native-born American. Our country always prided itself on being a country of equitable laws. "Equal justice to all" was one of the highest and most cherished principles of Americanism. Are we going to forsake our traditional concepts?

4. The new immigration law makes the gesture of opening our doors to immigrants from Asiatic countries for the purpose of improving our relations with those countries. It is our considered opinion that this provision will not only fail to improve our relations but will, on the contrary, rather militate against us in that respect. What will the anti-Communists among the 400 million Chinese think of their allocated annual quota of only 100 immigrants to the United States? What will the 300 million Indians think of our admission of 100 of their nationals annually? They will consider such "generosity" a mockery and an insult. Think what it means to loyal freedom-loving Chinese who want to escape from present Communist domination, or to other friendly Asiatics whom we want to enlist in the fight against communism in their own countries, and their reaction to our present immigration law. The McCarran Act, instead of repudiating the philosophy of racism, actually accentuates it.

5. The effect of the new immigration law on foreign countries is, in our opinion, devastating. The free world which looked upon the



United States as a big brother and generous friend is disillusioned. It is outraged not only by the restrictions in immigration and by the mortgaging of meager quotas but more so by the spirit of the McCarran Act, which considers every immigrant a potential criminal and looks upon every alien with suspicion after his admission to the country. People abroad who regard the United States as the leader of the free world are bitterly disappointed.

6. The new immigration law plays directly into the hands of the Communist propagandists. Some foreign newspapers take the stand that our devotion to freedom and equality is mere lip service. This has been the tenor of editorials not only in the Communist press but also in some democratic foreign newspapers in countries which have been traditionally friendly to the United States. It is a fact that before the McCarran Act was passed many more anti-Communist leaders made efforts to escape from their Communist-dominated native countries than is the case today.

In the present struggle between the totalitarian and the free world, it is, we submit, our duty to provide refuge for political escapees and for all those who are willing to join us in our fight for freedom.

The history of our country is a history of immigration. Immigrants from nearly every country in the world have contributed to our growth and present strength.

Our immigration laws must be liberalized. They must become more humane and more realistic to satisfy our own needs and the needs of our friends abroad.

The CHAIRMAN. We appreciate your courtesy in coming here and expressing your views.

Dr. J. Rice Gibbs is our next witness.

#### STATEMENT OF J. RICE GIBBS, CHAIRMAN OF THE IMMIGRATION COMMITTEE OF THE AMERICAN DEFENSE SOCIETY, INC.

Dr. GIBBS. I am Dr. J. Rice Gibbs, 140 East Fiftieth Street, New York, N. Y. I represent the American Defense Society, Inc., 255 Fifth Avenue, New York, N. Y., and I am chairman of the immigration committee of that organization.

I have a prepared statement which I should like to read.

The CHAIRMAN. You may do so.

Dr. GIBBS. Gentlemen of the Immigration Commission, the Congress of the United States recently passed an immigration law that was drawn up after 5 years of intense study, debate, committee hearings, and deliberation. This law was passed by Congress, vetoed by the President, and then passed over his veto. This was not a partisan measure and was not drawn to favor any special group but was supposed to be and is for the best interest of the citizens of the United States. I came into this room yesterday to listen to the arguments for and against the bill as it now is. As I sat here and listened to those who want to open our shores to immigrants from all over the world, I wondered whether they were speaking for the good of the United States or for only the special race of the speaker.

The law as it now stands seems to us of the American Defense Society to be fair and just. It not only limits the number of persons who may enter the United States within a certain period but also

provides means of screening those who seek entrance so as to keep out undesirables. It also provides that those who came here or are here and cannot adapt themselves to our way of living and commit criminal acts against our Government and laws may be tried for their crimes and if found guilty may be deported even if they have become citizens. This deportation act is a just one and really should be applied to some who have been born here.

Too many of our colleges and universities have given professorships to recent immigrants who claim to have superior knowledge and are allowed to teach their ideological learnings to the youth of our country. We don't need these so-called intellectuals of Europe to come here and teach us how to run our country or do we need them in the professions or in the sciences. When we need brains we can find them here, and initiative progression is one of our specialties. Russia says she has invented everything, but we are a young country; so, give us time and we will catch up to them without the use of spies.

We also have here a number of foreign-born labor leaders, most of whom seem to favor the Marxist theory. These we could deport without the labor unions losing prestige by a change of leadership.

We do not believe that the letting down of the bars to larger immigration quotas is in the interest of our American society. We have seen in the last few years an attempt to break down our traditional form of government by Presidential decrees and by a bureaucratic form of government into a socialistic state brought upon us by minority pressure groups who want either to take over our government, force us into economic difficulties, subject us to foreign rule or into international entanglements. We do not feel that these groups have the welfare of the United States at heart but want us to get into a world federation.

We have taken our share of refugees—maybe as many as 2 million—legally and illegally. In the meantime we do not seem to have recognized that right here in the United States we have displaced persons who do not have decent homes or schools to which they can send their children.

It has been said that the population of the United States would decline rapidly if we stopped immigration, but youth is marrying young and the evidence is at hand to show us that we do not need worry but we must keep our country free of the wrong kind of "isms" so they will have a free country to live in.

The American Defense Society believes we had some influence in forming the present immigration laws and hope they will remain in force for as many years as the laws they supersede.

The CHAIRMAN. Thank you, Dr. Gibbs.

Monsignor Burant?

#### STATEMENT OF RT. REV. MSGR. FELIKS F. BURANT, PRESIDENT OF THE POLISH IMMIGRATION COMMITTEE

Monsignor BURANT. I am Msgr. Feliks F. Burant, president of the Polish Immigration Committee, 25 St. Marks Place, New York, N. Y. I am testifying in behalf of the committee and have a statement which I would like to read.

The CHAIRMAN. The Commission will be pleased to hear your views.

Monsignor BURANT. Mr. Chairman and members of the President's

Commission on Immigration and Naturalization, in the first place, I am very grateful to the President's Commission on Immigration and Naturalization for having invited me to today's session and thus giving me the opportunity to make a few observations on so vital a subject as the problem of our immigration legislation.

I would like to state at the outset that I am neither a lawyer nor do I consider myself an expert on the complex regulations of immigrant legislation. However, I do know its practical application with regard to a multitude of concrete human affairs with which I come in contact almost daily. Precisely this permits me to observe the lights and shadows of our immigration maze. I believe that for the Commission, if it wishes to gain a complete picture, not only the arguments of specialists and lawyers are of importance but, in at least equal measure, the opinions of persons and organizations which have a wealth of experience in carrying out probably one of the most humanitarian missions, namely, that of opening the doors of our free country for the unfortunate, oppressed, homeless, for people without a country but faithful to the principles of our western civilization in whose behalf they did not hesitate to risk lives and property.

The organization over which I have the honor to preside has over the last few years secured assurances for almost 22,000 displaced persons, former Polish soldiers in Great Britain, and so-called out-of-zone refugees. In addition, we help in the immigration of many quota immigrants from various countries. A special field of the work of our committee is the care for Polish sailors who for purely political reasons had jumped their ships which are now controlled by the Communist regime imposed on Poland by Moscow. To this should be added the help which we extend to people deserving protection who are kept in Ellis Island and who are threatened with deportation from this country.

The two latter fields of our work—that is, the care over Polish sailors and refugees on Ellis Island—provide us with extremely hard experiences and at the same time throw a glaring light on the background and spirit of our immigration laws.

If I may begin my comments with a general remark, I must say that our immigration laws do not keep pace with the great changes that life and the course of world events carry with them, but, on the contrary, shows dangerous tendencies of isolation from what the world situation demands from us and, even worse, from all those great traditions and principles on which the greatness of our country was built.

In my opinion, the immigration law which daily affects thousands of people all over the world must be in keeping with the principles which we proclaim at home and which our propaganda set-up transmits to the rest of the world as a contrast to the Communist enslavement of man. It is beyond my understanding that our Department of State should strive to win the confidence and the friendship of the oppressed and free peoples of the world and prestige among them, while at the same time our immigration regulations and procedure manifest a narrow and incomprehensible misunderstanding.

In spite of the fact that my parents and grandparents were born in this country and that consequently I may consider myself a "native" American in accordance with the new immigration law, nevertheless

I cannot accept the philosophy that thanks to this fact I am entitled to greater privileges than a refugee who had come here a few years ago, and after years of prisons and concentration camps defend today my country which is already also his.

Let us imagine that, to his misfortune, some years after his return from the front he would become a so-called public charge. He will then live in constant fear of deportation, which according to our new immigration law threatens him at least theoretically.

I also cannot understand how it is that for instance an Englishman or Irishman who live peacefully in their countries, if they wish to emigrate to the United States, will obtain immigration in a month's time while a Pole, a Czech, an Estonian, or some other refugee, who fought against the Hitler or Stalin occupation at the greatest risk to his life and even managed to escape from behind the iron curtain, will be rewarded by the west by confinement in a camp and the hope of finding asylum in our country in four, five, or even more years.

As an American, I confess that I am amazed when last year in August I applied in turn to all responsible agencies in Washington with the request that asylum be granted to 12 heroic Polish sailors who had overpowered the crew of a warship together with the Soviet officers on board of the ship on the high seas and subsequently reached Sweden where they received asylum. However, these brave boys did not feel safe in Sweden on account of the numerous agents of the Warsaw regime and turned to my committee to help them in coming to this country. Leaving aside the propaganda value which their entry would have had for our country and how much this would have strengthened the faith of millions of people behind the iron curtain that we do what we preach, we were told that they should register on the quota and wait. However, those boys did not have the patience that we demanded from them and after a few weeks received visas from the Canadian Government, and even free passage. This one example is a proof how incapable our immigration law is of meeting any emergency situations, how rigid regulations plus the preponderance of the bureaucratic-administrative machinery are unable to support the principles and directions of our foreign policy. It appears that it is easier to bring in a few hundred shepherders from Spain to Nevada than a dozen real heroes in the struggle for those principles in the name of which we pay billions of dollars in taxes and for which our best sons are shedding or are ready to shed their blood.

And here I come to one of the greatest defects in our present as well as forthcoming immigration law. The existing quota system does not at all correspond to the present conditions and needs, but it is a perpetuation and discrimination against the countries of Central and Eastern Europe. Accepting the year 1890 as the basis, it is formed on a tendentious and artificial estimate, because the main wave of immigrants from the countries of East-Central Europe came principally after that date. But, even leaving aside this historical and statistical consideration, no one will deny that precisely these countries are today the greatest producers of refugees, scattered families and homeless people.

The conclusion, therefore, is very simple: Either the whole antiquated quota system should be thoroughly revised or the Department of State should be authorized to utilize, depending on the situation

and real needs, the unused quotas of western and northern European countries.

Another concrete aspect of the law to which I wish to draw your attention is the far-reaching aggravation with regard to deportation. Let me state in advance that I am not concerned with the fate of people who are in the service of a foreign, hostile power. They should be sent back to where their loyalty lies, of course their guilt being proved. But I am concerned about innocent victims, people who wander over various countries and who sometimes knock at our door asking that it be opened so that they might begin to lead decent, human lives.

It is best to use facts. Three and a half years ago more than 100 Polish sailors left their ships because many were threatened with arrest and moreover one of the ships had been sold to the Soviets; our press and radio gave this fact much well-deserved publicity. It would again seem that such people, at a time when we wage psychological warfare with the masters of the Kremlin, are needed and deserved asylum. It is true that so far none of them were deported, but not more than two or three have their stay legalized. The rest live in constant fear and cannot overcome the complexities of the immigration procedures. Many were rejected by the hearing officers for they said the truth; they told the truth: That, leaving the ship, they had the intention of seeking asylum in this country. The law enabling them to legalize their stay excludes such a possibility. A series of appeals begin and they now say that leaving the Communist ship they had no intention of remaining in this country: if they said they intended to stay here, they were not eligible. Indeed our laws are sometimes strange and complicated.

Our immigration law should emphatically distinguish between political refugees who have no place to return to except to prison, from those who are not victims of war and all its consequences and simply seek adventure. Then it will not be necessary to resort to various tricks to save people who instead of being kept for months at Ellis Island would enjoy the fruits of our democracy and propagate our way of life.

According to the new law, the hearing officer has power over the alien's life and death. Actually he is the person who ultimately makes the decision; he is the same case investigator, prosecutor, and judge. I think this is a bit too much for one person. It is unfair to an alien who might be the subject of deportation proceedings that, outside an appeal from one to another administrative instance, he has no recourse to an independent statutory board of a judicial character which would be empowered to issue final decisions in such extremely important matters as deportations.

The new law goes even further. I think it is the first time in our history that aliens may be deported without a hearing. I have in mind the stowaways who again must be treated quite differently if they are citizens of free countries than if their home and family are in the Soviet-occupied countries.

Knowing the situation behind the iron curtain, we should rather accept a definite rule whereby no one except the Communists or fellow travelers be deported to their original countries. All others, however, from these unfortunate lands, should be granted an asylum regardless of the way they have reached our shores. This ought to be

one of the guiding principles in our policy instead of leaving a decision of deportation to individual immigration officers.

I strongly believe that refugees who return to Poland and other nations behind the iron curtain, at the present time, have reasonable grounds to fear persecution.

The present Polish regime shows a general attitude that everyone who comes from the west is a spy. This is the same state of mind that prevails in Soviet Russia.

Those persons who during the last World War lived in the west are especially kept under supervision. Their whereabouts are closely watched by the state police, and there are quite a few reasonable hints that in case of war all those would be put in concentration camps.

The new law which requires every Pole to be in possession of special documents gives thorough proof of this attitude.

In order to obtain those documents, one must complete a very long and complicated questionnaire which especially requires details of one's stay in the west.

Among others there are questions as follow :

Why did you not return to Poland immediately after the war at the first occasion?

Names of organizations and persons with whom you had contact during your stay outside of Poland.

This is clear proof that if any one of the refugees who were in the west are not yet in a slave-labor camp, they are under constant fear that at any time whatsoever they might be persecuted because of their potential risk to the Communist structure.

The campaign of hate which is presently being conducted against the United States speaks for itself.

Our immigration law in order to meet pressures of our times should be more flexible and free of guidance of heartless routine.

Recently we had a very unpleasant case in which again the lack of a proper regulation did not permit us to help an unhappy Polish refugee soldier. A few years ago he came from Germany to Venezuela because he simply had no other possibility. As a result of the bad climate he decided to leave that country and after obtaining a Canadian visa he bought for his hard-earned savings an airplane ticket and flew to Montreal. At the airport the Canadian health commission found that he had contracted tropical malaria and he was refused permission to land. The airline took him back and kept him under guard in a New York hotel because the immigration authorities said he was not their concern since he was only in transit. Finally the line put him on a plane but Venezuela also did not accept him. Consequently, he was returned to New York and put on Ellis Island and before anyone learned about this case (officially to this day no Polish American organization has been notified) the immigration authorities sent him hastily to Germany. The result is clear. The American airline paid some \$2,000. After years of hardship the soldier was returned to the country where he had been taken prisoner by the Nazis 13 years ago. Perhaps he will feel resentment against Canada, but I am concerned with what he thinks about this country, what goes on in his heart. Could no place for him be found in our country? If poor Norway could take a few dozen blind, could not we give shelter to one victim of malaria? What will this man be saying about us? About our

human approach and our gratitude for loyal allies. Our immigration law must pay greater attention to the value of human lives if we want people all over the world to believe that the individual actually means something in our civilization.

Summing up I feel that a revision of our immigration laws is again most important and timely.

After these general remarks concerning our immigration laws let me submit a few concrete suggestions with regard to the current and most pressing immigration needs of Polish refugees. I apologize for limiting myself only to my national group, but this is a field with which I am most familiar. I also believe that in preparing the Commission's general report these few demands may be helpful in giving a full outline of the most pressing immigration needs as far as refugees are concerned.

Under the existing immigration laws, the Polish quota is 6,524 out of the annual quota of 153,000 immigrants to the United States. Under the terms of the Displaced Persons Act, as amended, the Poles admitted under said act—like others—will be subtracted from future Polish quotas. Thus the Polish quota is mortgaged 50 percent until 1999. This is completely unreal and tragic, since the refugees from Communist tyranny are thus barred from entering the United States.

The provisions of 3 (c) of the Displaced Persons Act, as amended, which intends to bring some relief to the problem, for the so-called out-of-zone refugees, fails entirely in its purpose because of the meager number of available visas.

The following groups of Polish refugees should, as soon as possible, be given the opportunity of emigrating to the United States as non-quota immigrants:

1. Fifteen thousand more displaced persons who are still living in Germany and were covered by the Displaced Persons Act, as amended, but who did not succeed in emigrating to the United States, because they did not obtain visas before January 1, 1952, or were unable to get assurance in time to meet the deadline of July 31, 1951.

The total number of Polish refugees is about 50,000.

The health screening of those people should be a little more humane. I do not think that it is justified to look with such precision for spots on the lungs of people who suffer without any guilt of their own and who in conditions of normal life could recover their health. A man who on orders or inspiration of the west committed sabotage against Hitler or Stalin regime should be permitted to have even several spots on his lungs.

2. Seven thousand ex-Polish soldiers from Great Britain, who were deprived of the privilege of the Displaced Persons Act, as amended, merely because they did not register before June 16, 1950, out of 18,000 visas allocated to this category under said act, only approximately 11,000 were profited from. In view of this, we believe that this suggestion will not be in any way a disregard of the intention of last Congress, concerning the admittance to the United States of these 18,000 ex-Polish soldiers, who fought so bravely and gallantly in the last war, as expressed in the aforesaid act.

3. Five thousand Polish refugees scattered in different countries who escaped from Poland after May 1945. The definition of refugees as usually given should be changed to exclude the condition "who

has not been firmly resettled." Our experience shows that it is almost impossible to determine who is firmly resettled except in those cases where the refugee-resident in the foreign country has applied for citizenship in that country. The use of the above phrase in actual practice makes it almost mandatory that the American consul use his own discretion in determining the question.

All the three above-mentioned groups as people who in their vast majority have no relatives in this country should be permitted entry on the basis of assurances, as was the case according to the Displaced Persons Act. These people would not be able to obtain affidavits in view of the much more complicated character of that document.

My experience in the field of immigration and resettlement with the Polish element has been very gratifying and pleasing. Indeed, the United States has benefited from the skills, abilities, and culture of the new immigrants. Many of them are now fighting in the United States Army in Korea and are giving an excellent account of themselves as American soldiers.

We, therefore, feel that the Poles, like other refugees, merit your careful and serious consideration. Whatever you accomplish here will indeed reach the enslaved people there and I hope your final report will demonstrate to them that they have not been entirely forgotten.

I believe the good-neighbor and the open-door policy will prevail over a policy cutting us off from the rest of the world. Let those who want to erect a Chinese wall to keep out new immigrants remember that from a people of 4 million we have become in not quite 200 years a nation of 150 million. We owe this to the steady influx of millions of valuable and industrious immigrants devoted to our country.

Mr. Chairman and members of the Commission I respectfully submit for your serious consideration these general suggestions and I hope that they will be of some help to your noble endeavor.

The CHAIRMAN. Thank you, Monsignor. The Commission appreciates the time and effort that you have put into that very interesting paper.

Reverend BURANT. Thank you.

The CHAIRMAN. Mr. Edward Hong.

#### **STATEMENT OF EDWARD HONG, REPRESENTING THE CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION, ACCOMPANIED BY GILBERT B. MOY**

Mr. HONG. I am Edward Hong, 551 Fifth Avenue, New York City. I am accompanied by Mr. Gilbert B. Moy, and together we are appearing in behalf of the Chinese Consolidated Benevolent Association, located at 16 Mott Street, New York City. The association represents the total of 65 family associations, representing all of the Chinese in the New York area and on the eastern seaboard. The Chinese Consolidated Benevolent Association is also associated with many other branches located all over the United States.

I know the hour is getting late, and I thank the Chairman and the members of the Commission for the privilege to just say a few words for the record. I wish to have an opportunity to prepare a written



document for the consideration of the Commission; in view of the fact that I didn't know I was going to speak for the association, I was unable to prepare a written statement at this time. However, the few matters to which I would like to call the attention of the Commission at this time are with respect to the McCarran Act as it now affects the Chinese; and, also, immigration proceedings. Now, my experience and my knowledge is of the way that it is handled here in the New York area; I believe it also is being handled in the same manner in San Francisco—those being the two principal ports where the Chinese immigrants come in, and also where the Chinese are more or less of the greatest concentration, and, therefore, most of the deportation cases are also being handled in those two districts.

Now, with respect to deportation hearings, the Government has been operating on the projected McCarran Act, which I do believe places a great hardship on the Chinese. There aren't too many of those cases, I think probably at the most it would be under 5,000 cases, and the majority of them deal with Chinese seamen who have been seamen most of their lives. After 10 or 15 years of service at sea, they have chosen a place to stay, so they pick the United States, and the reason they pick this place is the fact that there is the greatest concentration of Chinese overseas here in the United States, outside of the Malayan and the Indochina area.

Now in this area, the Chinese who were here before have established businesses which require the help of these seamen, and those people who have illegally come to the United States. There is no replenishment of this supply of help. I think for the benefit of the Chinese citizens who are here, who operate legitimate businesses, these immigrants who are here illegally should be given suspension of deportation to help out the economic need. I think there is at the present time a shortage of help, especially in the restaurant business. So much for the deportation and suspension procedures. I think it requires a little further study and I will try to elaborate on this point in my written document to the Commission.

The other pressing point at this time is the handling of Chinese immigrants to the United States. In San Francisco, as well as in New York, although we have more or less removed the exclusion law and special treatment of the Chinese, I don't think in actual practice they have; the entire old procedure has still taken place. And although on many, many occasions these Chinese immigrants, like non-quota visa cases, or wives of American citizens—these wives are being held on Ellis Island for 3 or 4 weeks before a hearing is given; sometimes even longer, as much as 3 or 4 months. I don't think that the amount of fraud in those cases is too prevalent. I don't think as a rule that they should be held for such a long procedure. I think these procedures should be studied into and should be expedited, especially in cases with a marriage certificate.

**THE CHAIRMAN.** What did you mean when you said that you did not think that "the amount of fraud in those cases is too prevalent"?

**MR. HONG.** I think there are cases—it is not prevalent in the Chinese cases—it is prevalent to all the immigration cases. In respect to fraud, it is not a question that these people want to perpetrate a fraud against the United States. I think the immigration laws are being discriminatory and so hard on the immigrants that it forces them to perpetrate fraud against the American Government.

But I think if we realize the humanity of the situation we wouldn't have so much fraud. Now, for instance, where there are fraudulent cases, the reason why people go into the fraud is because a person of Chinese ancestry had been here for a period over 20 years, and it takes a long time before he goes through any suspension proceeding, or adjusts statutes. Prior to 1943, the repeal of the Exclusion Act, they could not be naturalized, they couldn't integrate themselves in the community. After all, they are only human—they would like to have their wives; they would like to have their family here. That's the only reason they would do that.

I think the number of Chinese people who come here to the United States, who come in as illegal aliens, and who try to come onto the shores of the United States are those that have relatives, and resident aliens of Chinese ancestry here in the United States who have established themselves who would like to have them here to help them out in their business. I don't think there is wholesale immigration of Chinese into the United States.

The CHAIRMAN. We will be glad to consider any document that you care to file. We are going to San Francisco ourselves, and perhaps people out there will tell us more of the situation there that you might not know about here. We would like to have whatever information you can give us for our file just as soon as you can send it in.

Mr. HONG. Yes, sir.

Before closing, I would like to add one more point to the question of immigration and naturalization. I agree heartily with the previous witnesses who have testified here as to the revision of the immigration quota system. I believe the national origins method is outdated and does not fit into the present day where people travel all over the world in a very short space of time, and people just have to more or less trade with each other, and I do believe that we should have a good-neighbor policy.

I think the Chinese people here, those who have been here in the United States, have integrated into the community despite great hardship, great pressures from all over. They have won the respect and the friendship of all those that they come in contact with.

I thank the Commission very much.

The CHAIRMAN. How long have you been here?

Mr. HONG. I have been here since 1923, sir. I was 9 years old when I came over. I lived in a small town known as Danville, Ill., and I was brought up there, and I obtained my education at the University of Illinois. I believe Your Honor had the privilege of witnessing my admission to the bar of the Supreme Court of the United States last year when Mr. Irving Geiger made the motion.

The CHAIRMAN. Thank you.

Mr. HONG. I will submit my written statement later.

The CHAIRMAN. Mr. Walter Brunberg.

#### STATEMENT OF WALTER BRUNBERG, VICE PRESIDENT AND ACTING PRESIDENT, ESTONIAN AID, INC.

Mr. BRUNBERG. I am Walter Brunberg, 53 Coolidge Street, Marlboro, N. Y. I am representing Estonian Aid, Inc., 22 East Seventeenth Street, New York, of which I am vice president and at the present time acting president.

I have a prepared statement I would like to have inserted in the records, and I would like to explain the high lights of it.

The CHAIRMAN. That may be done.

(There follows the prepared statement submitted by Mr. Walter Brunberg in behalf of Estonian Aid, Inc. : )

Speaking of immigration with reference to the Estonian applicants, the United States' gates are almost entirely closed. Only 58 visas annually are available for Estonian immigrants, because half of the Estonian quota of 116 a year has been mortgaged ahead through the year 2146.

In view of an entirely new international situation in Europe, caused by World War II and the totalitarian regimes a continuing allocation of immigration quotas only on the basis of the composition of the population in the United States in 1920 seems to us hardly justifiable.

In wide areas nations have been shifted from their native lands, and millions of industrious people of good moral character who hitherto had never thought of emigration are now in need of new homes. On the other hand, we Americans need them. They are the same Europeans whose forefathers once built this country and its culture, and even today they would have much to contribute to America, if admitted.

As to the Estonian quota on the basis of the official United States Census of 1920, this census did not show the real number of Estonians in this country for the following reasons :

(1) Most of the Estonians who immigrated before the First World War were listed as Russians, because Estonia was at that time under the rule of Russia. Availing themselves of the similarity between the Estonian and Finnish languages, they often had themselves inscribed also as being of Finnish nationality ; (2) Even a classification on the basis of the mother tongue was not a sure identification. The greater part of the early Estonian immigrants were seamen. They often married non-Estonian women and adopted the language of their wives at home.

The small Estonian quota and its mortgaging against the DP Act is not concordant with the needs and interests of the United States, as there are many highly qualified specialists, professionals, and skilled workers among the Estonians abroad.

Under the Displaced Persons Act of 1948, as amended, a little more than 10,000 Estonians have already been resettled in this country. We have come to know them as industrious, intelligent, and clean people. They have made good carpenters, hospital workers, domestics, factory hands, farmers, draftsmen, engineers, physicians, etc. The fact that they are well educated and that about half of them are high school or college graduates has not done any harm to our country. We have thousands of refugees with college degrees working as plain laborers, and they are doing well. We feel that they are valuable assets to our country.

On the other hand, there are approximately 30,000 Estonian refugees still in Western Europe, many of them looking longingly toward this free country of ours. Their own homeland on the eastern shore of the Baltic Sea, small but progressive, is now under Soviet occupation. Its incorporation into the Soviet Union has not been recognized by our Government. According to available information an estimated 10-20 percent of the population of Estonia have been killed or deported by the invaders, and new settlers from Russia and Asia have been brought in. This genocide is going on year after year in the Baltic States, and the 30,000 Estonian refugees in the Western European countries have no way back.

As a codesigner of this tragic situation in postwar Europe (the Communists occupied Estonia in 1944 without indirect assistance), our country has some responsibilities toward these helpless people and victims of Soviet tyranny. If we can no longer help those who were enslaved, with our support, by the Soviet Union, we still can do something for the escapees. The admission of these refugees into the United States is not only our moral obligation, but would also be within our own national interests.

The DP Act of 1948, as amended, was a special measure, designed to ease the situation in overcrowded IRO refugee camps of three particular countries: Germany, Austria, and Italy. It excluded refugees residing in other European countries. Among those excluded were all the industrious young men and women who in 1946 and 1947 moved from Germany to England, Belgium, France, etc.,

on the basis of temporary employment contracts, after having been assured by the authorities that they may keep their DP status and become eligible for immigration to overseas later on—which promises unfortunately were not kept. Having been classified as “permanently resettled” they were not granted admission into our country under the DP Act of 1948, and a very large number of families were broken up, when those who were left behind in Germany came here, while the refugees in England and other countries were held ineligible, even though they included spouses, parents, and children of those going from Germany to the United States.

The 1948 DP Act excluded also the more than 30,000 courageous Balts who fled to Sweden in small boats but who do not feel themselves safe there, due to the proximity of the Soviet border. Fifteen small boats from among this group, bearing loads of these twentieth century Estonian Vikings already have nosed even into American harbors, fleeing the menace of the Red imperialism. Quite a number of Latvians and Lithuanians have done the same, and we were happy and proud of our Eighty-second Congress when it passed a special act, Public Law 655, granting all these Vikings the right to stay in this country, despite the restrictions of the general immigration laws.

In addition there are thousands of other European refugee-applicants for permanent residence here, living in our country already for years, but unable to acquire citizenship because their immigration status has not been fully clarified. Regardless of highest character qualities and of their technical or professional skills and intelligence, regardless of their unquestionable opposition to communism, there is only one way of treating these cases under our present legislation, deportation.

According to section 4 of the DP Act of 1948, a number of refugees already in the United States were given opportunity to make application for permanent residence if they had entered this country prior to April 1, 1948. Recently the first list of such persons was approved by the Congress (conference report to accompany H. Con. Res. 101, July 2, 1952). On this list, a considerable number of cases, previously recommended for approval by the Commissioner of Immigration and Naturalization, by the Attorney General and by the House of Representatives, were deleted—presumably partly because of their entry after the April 1948 deadline. Last week some of these persons received orders to leave the United States within 60 days. Yet, they have been enjoying the hospitality of this country for a long time, have become our good neighbors and have started new useful lives here.

In view of the above we feel that our present immigration policy should be revised and liberalized, in order to meet our national interests and our international moral obligations.

(1) Without going into criticism about the question of national quotas in principle we are respectfully asking for a reconsideration of the future quota numbers, which should not be allocated only on the basis of our census of 1920.

(2) We are especially in favor of having the principle of pooling unused quotas incorporated into a revised new law, to the effect that quota numbers which were available for some quota area in Europe and which remained unused shall not be canceled but shall be made available for the use of applicants from other European countries (preferably from the countries of eastern and central Europe which are now enslaved by Communist rulers).

(3) We respectfully urge that quota deductions as established by the displaced persons law be canceled, or at least postponed until January 1, 1962.

(4) Realizing that the nonquota admission of ministers of religion, scientists, professors, research assistants and other specialists, as provided in our previous immigration law, is of great importance to America, we advocate the restoration of nonquota status for this class of immigrants.

(5) We also believe that a new emergency legislation for a selective admission of refugees and migrants from overpopulated areas in Europe is urgently needed.

(6) In this legislation the admission of refugees should not be limited only to German, Austria, and Italy, but should also include refugees temporarily residing in the United Kingdom, Belgium, France, Denmark, Sweden, and some other countries, which were not covered by the DP Act of 1948.

(7) Preference should be given to those refugees which have been separated from their families. If one or more members of their families are now residing in the United States, such refugees should be admitted even from countries outside of Europe.

(8) Realizing that the expenses for old and sick immigrants would be largely compensated by the contribution to our country of their fellow countrymen, the

working refugee-immigrants, we believe that also the persons who may have the tuberculosis or other sicknesses through hardship of war and exile, should be treated from a more humanitarian viewpoint. Families which were separated under the displaced persons law by reason of the health condition of one member of the family, should be reunited.

(9) We also think that refugees residing now in the United States should be given an opportunity to remain in this country, by including in this emergency legislation a paragraph similar to section 4 of the Displaced Persons Act of 1948.

Mr. BRUNBERG. First of all, I would like to thank you members of the Commission for giving us an opportunity to testify and express our ideas on this new legislation which has been passed in Congress. Our ideas are more thoroughly explained in our statement, but I am only going to limit myself to the highlights of our statement. First of all, we are not opposed to the principle of national quotas, because we believe that a nation should have the right to determine and preserve its ethnic character. However, this McCarran-Walter bill has certain features which, in our opinion, are objectionable and unfair. The national quotas, particularly of those nations which were parts of other nations before the First World War, were very small, and it is probably largely due to the fact that nationals of these nations were classified as belonging to the earlier nations, the nations from which they came originally. I am particularly referring to the Estonian, Latvian, and Lithuanian nations, the so-called Baltic Republics, which were, prior to 1920, part of Russia. At the time of the census of 1920, which, I believe, is the basis of the quota system, these nations had just barely regained their independence, and many of their nationals were still listed here as Russians. That probably also applies to other nations. So, therefore, we believe that it is unfair to restrict the quota to something like 116 people from Estonia, and a little more from Latvia, and Lithuania. Now, that is one point that we have.

Then, the second point is that perhaps not all national quotas are going to be used, and we are strongly in favor of having the unused quotas distributed, made available to everybody, particularly to refugees from countries which are now under Soviet domination. There are many cases where real hardship is involved, where families have been separated, and also cases of refugees who arrive here in small boats, or in other ways, and seek admission, and cannot be admitted because there is no quota number for them. So, if these unused quotas could be made available in such cases it would certainly help the situation very much.

Then, the third point is that the old immigration law was even more liberal in some respects in that it admitted the professionals, or rather scientists, teachers, and ministers of religion, outside of the quota, and that, certainly, resulted in benefits to our country because this way we acquired a number of prominent scientists and clergymen, and teachers, who are now in our midst, and are doing good work. So we would like to have this paragraph inserted in the new law too, if possible.

But, then, besides all these points, it seems urgently necessary to have a special act enacted by Congress, something like the one that the President proposed last year by which about 300,000 people would be admitted as a special group of immigrants not subject to the quota. We believe that the admission of such a group of people will not only result in relieving hardships over there in over-populated countries,

but would result in lasting benefits to our own Nation because among these people are very valuable men and women. We have seen by the success of the DP law of 1948 that these people can be assimilated rather easily, and most of them are now employed, and are doing useful work.

The CHAIRMAN. Thank you very much. I appreciate your coming.

Rev. Rudolf Kiviranna.

**STATEMENT OF REV. RUDOLF KIVIRANNA, PRESIDENT,  
ESTONIAN RELIEF COMMITTEE, INC.**

Reverend KIVIRANNA. I am Rev. Rudolf Kiviranna, president of the Estonian Relief Committee, Inc., which I am representing here. I have a written statement for the record and should like to make a few brief remarks.

The CHAIRMAN. You may do so.

Reverend KIVIRANNA. Our organization, Mr. Chairman, has helped 10,000 Estonian anti-Communists to come to the United States under the displaced persons law. I have myself lived and escaped from behind the iron curtain. I am glad to be here 4 years, and I have voluntarily devoted those 4 years to helping Estonian refugees especially. In regard to Public Law 414, it seems to me and our organization that the tragic situation in which we are living has not been taken into consideration, and, also, the complications and the responsibility of the United States of America, to whom for leadership, people behind the iron curtain and especially those who have been happy to escape are looking. We have submitted to your Commission concrete cases, specific cases, in which the families are separated, the son and the father are here; the mother is not permitted to come to the United States for the very reason that she has tuberculosis, which is, at present, in a nonactive status.

I should like, in addition to those remarks and information submitted to your Commission, to call your attention to the fact that from the European point of view, and from the point of view of those who are living behind the iron curtain, it seems impossible, if, in the time of the liberation of those countries, the United States of America does not have enough persons from that country who are able to help the United States in reconstruction of those nations, who have a knowledge of the language of this country, who know America, and the American way of life, and who will be able and willing to be available for the reconstruction of nations once liberated from behind the iron curtain.

Thank you very much.

The CHAIRMAN. Your written statement will be inserted in the record.

(The written statement submitted by Rev. Rudolf Kiviranna in behalf of Estonian Relief Committee, Inc. is as follows:)

The Estonian Relief Committee, Inc., the largest Estonian relief organization in the United States, was established in 1941 to assist displaced persons in this country and abroad. The Estonian Relief Committee, Inc., is actively interested in the new bill concerning: (a) Refugees from Communist occupied and dominated countries, and (b) people from overpopulated areas in Europe.

## SUGGESTIONS REGARDING THE PRESIDENTIAL MESSAGE OF MARCH 24, 1952, TO THE CONGRESS

1. Special attention should be paid to these displaced persons under the Displaced Persons Act of 1948, as amended, who were eligible, but remained without visas as the deadline of December 31, 1951, arrived.

2. A problem of a tragic nature for a large number of refugees is awaiting a proper solution on the legislative way. The resettlement activity of the IRO which was carried out under difficult conditions has caused a number of cases in which young people were sent to Australia, Canada, etc., their elderly parents had to stay in the camps and were later brought to the United States under the Displaced Persons Act. There are cases in which husbands and wives are separated. The American way of life has always had a deep appreciation for family life and family unity. The Congress of the United States has now an opportunity to help those who have lost, for the sake of their democratic principles, their home countries to live in and work together with their closest relatives in this land of liberty. Legislative measures should be taken in those cases in which one member of a family has legally entered the United States, his immediate family members would be given the opportunity to come to the United States.

Special attention should be paid to elderly parents in this country whose only existence is dependent from the admission of their children.

3. The question of those refugees who were sent to Great Britain on the basis of temporary working contracts awaits a righteous solution. Thousands of homeless refugees able and eager to work used the opportunity to follow the call of Great Britain for urgently needed manpower. They signed their working contracts under the clear understanding that they would not lose their DP status and that they would have full rights to return to Germany, Austria, or to immigrate to overseas countries. About 5,000 Estonians together with members of other nationalities used this opportunity and were sent to Great Britain to work in British hospitals, sanatoriums, farms, mining, and industry. They have been refused the opportunity to immigrate to the United States in violation with their official working contracts and promises they had received. They do not consider themselves firmly resettled. Through the fact that they have been restrained in their immigration to the United States or other countries of their preference, they should be given special consideration and preference.

4. In addition, thousands of Estonian refugees are residing temporarily in Sweden (22,000), Germany (5,000), Austria, Belgium, Denmark, France, the Netherlands, Italy, etc.

We hope that the President's Commission on Immigration and Naturalization will give to these suggestions favorable attention and consideration.

The CHAIRMAN. Mrs. Harriet Barron.

## STATEMENT OF MRS. HARRIET BARRON, REPRESENTING THE AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN-BORN

Mrs. BARRON. I am Mrs. Harriet Barron, and I represent the American Committee for Protection of Foreign-Born.

I have a prepared statement in behalf of the American Committee for Protection of Foreign-Born, which I desire to submit for the record.

The CHAIRMAN. It will be inserted in the record.

(The prepared statement submitted by Mrs. Harriet Barron in behalf of the American Committee for Protection of Foreign-Born is as follows:)

On October 9, just a few days hence, the Board of Immigration Appeals in Washington, D. C., will have before it a deportation case which can best demonstrate the need for revising the immigration and naturalization laws of this country.

I am referring to the case of Benny Saltzman. Benny Saltzman has been ordered deported and his case will be heard by the Board of Immigration Ap-

peals on October 9. This man, a native of Lithuania, now 57 years old, came here in 1913, 39 years ago. He is a painter by trade, has worked hard, married, had three sons, and has contributed in every way he possibly knew how to make this a good country in which to live. His two older sons, Bernard and Isidore, fought in World War II. Isidore died fighting in the Battle of the Bulge. Bernard sustained injuries in the Battle of the Bulge. And now, the youngest son, Max, who is just 18, has received a I-A draft classification and is awaiting a call to the Armed Forces.

This gold-star father is to be deported, torn from his wife and two remaining sons, uprooted from the only homeland he knows and sent to a land whose customs, language, and habits he has long forgotten. This because, as he freely admits, he joined the Communist Party in 1936 to drive racketeers from his painters' union.

Why, you may ask, do I dwell on this particular case? I do because it illustrates an aspect of our immigration and naturalization laws—political deportations. I dwell on this case because it is a case which can be repeated in varying degrees more than 250 times and each time substituting another name, another city, but always repeating the same general set of circumstances.

The American Committee for Protection of Foreign-Born is currently aiding in the defense of more than 250 persons facing deportation solely because of their past or current membership in the Communist Party or fraternal organizations. In no instance has there been any charge of malfeasance. In no instance has any person in this category, which we call political deportations, been charged with having ever done anything which would warrant the cruel and severe punishment of being torn from family, home, friends, and relatives by deportation.

In many families where deportation has become a threat, the sons served in World War II and their parents, like Benny Saltzman, were active in the war effort. Take the case of Carl Latvia, a Wendell, N. H., textile worker, who has two sons, both veterans, and he is to be deported because in 1936 he paid 90 cents dues to the Communist Party. Take the case of Miriam Stevenson, of Los Angeles. This woman was held on Terminal Island for more than 6 months, denied bail in deportation proceedings, when her son was called to join the Armed Forces. Louis Ragni and Blaga Poprovska, of Detroit, their sons are now in Korea as members of the Armed Forces, while they face deportation. Peter Warhol, of Minneapolis, himself a war veteran, faces deportation.

All because at one time or another they had been members of the Communist Party. In the Latvia case, 16 years have passed since he held membership in the Communist Party. In the case of Benny Saltzman it is likewise 16 years and with the overwhelming majority of deportation cases where charges arise out of membership in prescribed organizations there has been a 10- to 20-year lapse between membership and proceedings.

I call to your attention this intensification of persecution of our foreign-born because of political beliefs and urge that in giving consideration to a change in our immigration policy this be given serious consideration.

I would like to point out also that our present immigration policy is a punitive policy. It is not a policy designed to make immigration and naturalization procedures easier, but rather a policy which is wielded to breed fear and intimidation in these communities where there are foreign-born—children and relatives of foreign-born.

Even in nonpolitical cases there need be serious consideration given to the present policy. In the cases of persons who have lived here for many years and are entitled to adjust their status, adjustment has become so complicated as to provide a field day for lawyers while the client bankrupts himself in a maze of legal expense.

The American Committee for Protection of Foreign-Born asserts that the immigration policy we are following at the present time smacks of the same police-state policy on which this Nation embarked when the alien and sedition laws were enacted in 1798. The McCarran-Walter law is the Alien and Sedition Act of 1952.

In 1798, the alien and sedition laws were passed to brand opposition subversive. They were passed to create an atmosphere of hysteria and they succeeded. Today, we find that again there is such an atmosphere. It was the beginning of the deportation drive in 1946 and the arousing of a calculated anti-foreign-born hysteria throughout the Nation which has created the political situation whereby a McCarran-Walter law could be passed. It is indeed significant that this law, which encompasses 14 million people, was passed by 1 vote.



I spoke earlier of a type of deportation—political deportation. Throughout history there has always been a group or groups of persons who have been branded the subversives of the day and retaliatory action taken against them. But let us just follow the course of a noncitizen who today has had deportation proceedings instituted against him. And let us use the provisos of the McCarran-Walter law as a vehicle.

Under the provisions of this law, any Government agent, so designated by the Attorney General, has arresting power. He does not have to prove the person he arrests is a noncitizen, nor does he have to produce a warrant before making the arrest.

Secondly, after the arrest has been made, bail may or may not be granted at the discretion of the Attorney General. Hearings in the case are held. And as we learn from all over the country, these hearings, which are supposed to be open public hearings are often held in small rooms where witnesses, arresting officers, hearing officers, and other departmental officials have space priority and the person facing deportation is refused permission for his friends and relatives to witness the hearing procedures.

But what of due process at these hearings? The arresting officer is an employee of the Justice Department, designated by the Attorney General. The examining officer is an employee of the Justice Department designated by the Attorney General. The hearing officer is an employee of the Justice Department designated by the Attorney General.

The Justice Department initiates proceedings and sits, through its employees, as judge and jury. The person is guilty in the eyes of the Justice Department or he would not have been arrested in proceedings at the outset. How can these hearings be considered unbiased or fair if the Department of Justice and its employees arrest at the outset and pass final judgment. We submit that there should be an application of the Administrative Procedure Act to the Immigration and Naturalization Service, thereby affording the accused at least a minimum opportunity to fair and impartial hearings.

Not only is the Department of Justice accuser, prosecutor, judge, and jury but the witnesses are likewise the paid hirelings of the Justice Department. In some instances, these professional informers travel from area to area giving testimony, for \$17 or more a day, against scores of persons faced with deportation. In other instances the Department of Justice uses a person against whom deportation proceedings have been initiated to testify against another and promises the new informer that proceedings against him or her will be dropped because of his or her cooperation.

Also there is another policy which is becoming more and more prevalent in deportation cases. The accused is arrested, jailed, denied bail, because the Justice Department has information about this person the release of which, it is said, would be prejudicial to the best public interest. How can counsel defend his client when the charges against the client are not made known?

Or, again, there is the practice of taking depositions from the noncitizen when there is no counsel and then using this deposition as evidence against the person at the deportation hearing. Or, just as crass, the holding of hearings hundreds of miles away from the place of residence of the accused and using the deposition as evidence, introducing of witnesses, without the person charged even present at the hearing. Or, in the event the person wishes to be present as his fate is being mapped, he must deplete his financial resources in transportation to and from hearings.

There is a further phase of our current immigration policy which has been carried over into the future with the McCarran-Walter Act. This is the question of the right to bail. Today, and in the future, unless something is done about it, noncitizens arrested in deportation proceedings may be refused bail at the outset. They remain jailed throughout their hearings and then, after an order for deportation has been issued against them, they may be kept in jail, without bail, for 6 months more.

Mr. Justice Black, dissenting in the March 10 Supreme Court decision in the Carlson case, declared: "I can only say that I regret, deeply regret, that the Court now adds the right to bail to the list of other Bill of Rights guaranties that have recently been weakened to expand governmental powers at the expense of individual freedom."

The statement made by Mr. Justice Black is indeed true. As you know, deportation cases can be and often are long and dragged out. There is no time limit as to when the Justice Department must hold hearings in deportation cases. Therefore, the noncitizen sits in jail until the Justice Department gets ready to

hold hearings. But, assume that hearings are held quickly and an order for deportation handed down, the noncitizen still can be held for an additional 6 months.

Denial of bail at the outset is punishing a person before he has been adjudged guilty. It is contrary to any semblance of justice, and the American Committee submits to you that the constitutional right to bail should not be taken away from any American, be he citizen or noncitizen.

We urge that there be no power to deny bail in deportation cases and that in all deportation cases bail in reasonable amounts be granted.

We further request that the 6 months' imprisonment after an order for deportation has been handed down be done away with. This policy of denying bail has resulted in Martin Young sitting imprisoned on Ellis Island for 11 months while final disposition of his case is being made.

I would like to touch further on the question of bail as provided for under provisions of the McCarran-Walter Act. Even if bail has been granted, the Attorney General is given the right, under law, to pick up and rearrest noncitizens and increase the amount of bail set.

The McCarran-Walter Act has been paraded as a modernization of our immigration and naturalization policy. The power to rearrest and reset bail was not previously a part of our policy, and we submit to you that, rather than modernization, this repressive measure is retrogression. We urge that that provision be done away with.

The American Committee is unalterably opposed to the racist restrictive-quota provisions of the law. These provisions are absolutely no better than previous immigration quotas.

They further are viciously discriminatory against the Negro people by the arbitrary limitation to 100 the number of West Indians permitted entry from any given colony in 1 year. While very slightly raising immigration restrictions for other groups, the McCarran-Walter Act singles out the West Indian people for special discriminatory quotas.

Our immigration policy has not only resulted in a pattern of discrimination against West Indians. The Mexican people have become the target and free game for deportation. Hundreds of thousands of Mexicans are picked up each year and hurled deep into the interior of Mexico, and it is indeed not infrequent that citizens are deported with noncitizens. All deported in such fashion as to make the Constitution and our heritage of human rights and decency meaningless phases.

In 1944, when Mr. Earl Harrison submitted his resignation as United States Commissioner of Immigration and Naturalization, the American Committee, in its monthly publication, the Lamp, declared that under Commissioner Harrison there had been a change in the Service's attitude toward noncitizens made possible by a sincere effort to understand the noncitizen's problems.

Our current policy and the policy which will be forced upon us by the McCarran-Walter Act is not a sincere effort to understand the noncitizen's problems. We maintain that today our immigration and naturalization policy has changed drastically, and not only is there no attempt to understand problems but there is a calculated attempt through harassment and institution of deportation or denaturalization proceedings to intimidate into silent submission the foreign-born residents of this Nation.

Little good can be said of an immigration and naturalization policy under which 3 million noncitizens find that they are not entitled to freedom of speech or belief and that they do not have the protection of the Bill of Rights.

Little good can be said of an immigration and naturalization policy which forces noncitizens to register, like criminals, every year and make known within 10 days a change of address or face rigorous penalty.

Little good can be said of an immigration and naturalization policy under which 11 million naturalized citizens find their freedom curtailed and even their right to continue to be citizens of this country seriously threatened by the denaturalization provisions of the McCarran-Walter Act.

Perhaps one of the most undemocratic aspects of the McCarran-Walter Act is its provisions in relation to naturalized citizens. Even before passage of this law, because of the broad powers granted the courts in denaturalization proceedings, the courts have grown to consider naturalized citizens as a special category, not quite as good as the native-born citizen. The McCarran-Walter Act has solidified that second-class status so that there can be no doubt, according to this law, that naturalized citizenship is not a lasting citizenship but one which may be given or taken away at whim and fancy.

The American Committee specifically requests that, in giving consideration to changes in our immigration and naturalization policy, a statute of limitations involving a reasonable period of time be binding in denaturalization cases. Let me cite a case in point.

For 25 years James Lustig has been a citizen of the United States. Yet, a few short months ago denaturalization proceedings were instituted against him on the basis that 25 years ago, when applying for citizenship, he allegedly made a false statement. It has taken 25 years for the Department of Justice to learn of that so-called false statement. And I submit to you that there may be a reason, and that reason is that James Lustig is a trade-union organizer, a district organizer for the United Electrical, Radio and Machine Workers of America, once affiliated with the CIO, today an independent union.

But can one possibly conceive it fair or democratic to wait 25 years and institute denaturalization proceedings against any man or woman. According to the McCarran-Walter Act, a naturalized citizen, can lose his or her citizenship for refusal to testify before a congressional committee. Citizenship can be revoked if the naturalized citizen joins an organization which was a proscribed organization at the time of securing citizenship. Concealment of a material fact is also grounds for revocation of citizenship. But the meaning of concealment of a material fact is not spelled out; and again, as in the Lustig case, there is no statute of limitations, and 25 years after naturalization the Justice Department can declare the citizen concealed a material fact and revoke citizenship.

Once a person becomes a naturalized citizen, his citizenship should not be a pawn at the disposal of the Department of Justice or any governmental agency. It should not be a citizenship easily revoked but should be an honorable one. One which permits the naturalized citizen to fully partake of democracy and have democracy extended to him—free speech, choice of association—and the right to believe as he sees fit without the constant threat of revocation of citizenship as penalty for any dissenting thought regarding the status quo.

This is the policy of the United States toward its foreign-born. This is the policy which you are assembled to consider. The American Committee for Protection of Foreign-Born maintains that there can be no such restrictive, repressive, and unreasonable policy toward the foreign-born without that policy reflecting in governmental and administrative attitudes toward the whole American people—native-born as well as foreign-born.

The American Committee respectfully requests that your primary concern be the removal of racist, restrictive, and antidemocratic phases of this Nation's immigration and naturalization policy as the first step toward maintaining a democratic policy for all.

Mr. ROSENFELD. Mr. Chairman, may I request that the New York record remain open at this point for the insertion of statements submitted by persons unable to appear as individuals or as representatives of organizations or who could not be scheduled due to insufficient time?

The CHAIRMAN. That may be done.

This concludes the hearings in New York. The Commission will stand adjourned until it resumes hearings in Boston, Mass., at 9:30 a. m., October 2, 1952.

(Whereupon, at 5:15 p. m., the Commission was adjourned to reconvene at 9:30 a. m. October 2, 1952, at Boston, Mass.)

## STATEMENTS SUBMITTED BY OTHER PERSONS AND ORGANIZATIONS IN THE NEW YORK AREA

(Those submitted statements follow:)

STATEMENT SUBMITTED BY CHARLES H. TURNBULL OF WEST ORANGE, N. J.

SEPTEMBER 17, 1952.

DEAR SIR: I am an Aryan whose forebears have lived on this continent for many generations. My favorite gripe is the unfairness of our immigration regulations on two counts:

1. Europeans are too highly favored and Asians are favored not at all. We are mistaken if we think that only well-screened Europeans can be valuable assets to this country.

2. This country is large enough and has enough opportunity for all comers for a good many years. So I am in favor of granting speedy entry to all sincere applicants—the people of California notwithstanding.

Good luck with your new appointment.

Sincerely

CHARLES H. TURNBULL.

WEST ORANGE, N. J., 28 *Woodside Terrace*.

P. S.—I would be interested to see figures comparing (broken down by countries of origin) number of entrance applicants, number admitted if free immigration were established (first year, fifth year, tenth year), number admitted who return to their native lands permanently.

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STATEMENT SUBMITTED BY REV. JOHN H. DUDDE, OF ST. PAUL'S LUTHERAN CHURCH, LIVERPOOL, N. Y.

ST. PAUL'S LUTHERAN CHURCH,  
LIVERPOOL, N. Y. *September 25, 1952.*

Hon. PHILIP B. PERLMAN,

*Special Commission on Immigration and Naturalization,*  
*Washington, D. C.*

HONORED SIR: I have been interested in displaced persons' problems for several years and know many of them. I find among them at present a deep concern over those left behind in Europe for one reason or other and excluded from coming to America. My contacts have been chiefly with Latvians and Hungarians.

Last evening Mr. and Mrs. Gustav Wenczl called on me in regard to their son Stephen, who has been in Holland for the last 5 years, where he was "resettled" from Germany, where he had fled from Hungary. I sponsored his father and mother into America, and they have made a very satisfactory adjustment here in the new land. Both work. I also have an assurance of a good job for the son. But the American consul in Holland has given him a number which will not be reached on Holland quota basis for another 5 years.

This is just one case. There are many others.

I would, therefore, go on record that something be done to make the reunion of families possible. In fact, I would urge the widest leniency possible in letting as many of these unfortunates into our fair land as can be arranged. I could write many pages of stories of these people who have made the most amazing contributions to our social and economic life in the space of just a year or so.

Anything that you and your commission can do will be gratefully appreciated.

Very truly yours,

JOHN H. DUDDE.

STATEMENT SUBMITTED BY S. WILLY HART, OF NEW YORK CITY

3561 DE KALB AVENUE, NEW YORK, N. Y.,  
September 28, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,  
*Effective Office, Washington, D. C.:*

I read with interest in the paper about your study for cases of immigration and naturalization.

My opinion in this question is to make the citizen's examination easier for older people. I find that people over 60 years old can hardly study the American history and learn all the questions. I got citizenship in 1944 and had to answer about 20 questions. My wife, who is older than I, would like to get citizenship. She speaks English and makes her shopping in English. But to study some hundred questions about the history is impossible.

My opinion is that for the United States it is more precious to get citizens with good character and reputation than people who study American history and never get to be good citizens.

Think this over and make it easier; the American way is in all things easy. In England, to get citizenship depends on the good reputation.

Very truly yours,

(Signed) S. WILLY HART.

STATEMENT SUBMITTED BY HELEN E. BURKE, OF NEW YORK

31 DRAUGHT STREET, JERSEY CITY, N. J.,  
September 30, 1952.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,  
*United States Courthouse, Foley Square, New York, N. Y.*

DEAR SIRS, GENTLEMEN, AND FELLOW CITIZENS: Having read and duly noted a write-up in today's edition of the Daily News, as a citizen I have much to say in regard to any relaxation on the existent laws pro and con on immigration and naturalization.

For the past 8 years I have found myself in a position to note the immediate effects. May I note hereunder the results of the ordinary citizen arriving at a natural conclusion after having duly taken in the circumstances and showing the net results of same experimentations:

1. Forced sale of insurance policies in order to survive and exist. This necessitated a form, as you well know, of obvious security in the future, for me and my two children which I sold.
2. Living on a fixed budget, small enough indeed, but adequate for our needs.
3. Having our larder, stolen, borrowed from, and so forth, from time to time, even though all we had at the time was just enough for our budget to cover food and shelter.
4. Suffering through periods of illness when we could not afford the services of a physician, or a dental treatment at times.
5. Monetary units and systems being undermined, through an exchange premium, effected at your own door, with salesmen and sympathetic tradespeople. What happens when no one is familiar with this code. All this while I have not been in a position to buy the customary replacements on worn-out electrical equipment such as washing machine, electric iron, etc. Nor have I been in a position at times to purchase even a minimum wardrobe according to the true American standards of living.

Having been in the business world myself at one time, I'm quite aware of the fact that past history in Europe has come to sit on our doorstep.

Remember when foreign banks called in moneys abroad? It most certainly must have been done so for a reason.

The fact, too, exists, however, that where a man has what might be termed a reasonably adequate position, which keeps him financially provided for, but not to the point of luxury, he is the man that is and will be victimized by just these circumstances. Through the years he has been forced through the necessity of economy to make his earnings adequate and budget his income accordingly.

If, therefore, his spouse too, or likewise, happens to be economical as well, would they not then be at the mercy of such dealings as undermining of income through the suggested "code" income form of living propelled by the "in the know" immigrants who had been and are still living schooled so thoroughly

abroad. As a matter of fact, why is it the United States has not taken any attempt to teach their citizens of this monetary-code system of living? Is it neglect or merely the fact that we here in the United States are all too significantly unaware of how money is used, by whom, etc.? Or do we choose to remain ignorant of true factual data? Please do not pass this letter up, for, as Confucius said, "Any reading is better than none at all." Also, "Ignorance is still a thing to be acquired."

Sincerely yours,

(Signed) HELEN E. BURKE.

P. S.—I'm sympathetic to a cause, too, for I came of parents who entered this country in their early youth. But, however, I'm sincerely convinced that the immigration and naturalization laws have not taken into thought fully living conditions of today.

If for any reason you think this is the letter of a crank, I have no money saved and no luxuries. I found out that through being put into and at the point of experimentation keeps one poor indeed, but adequately up on news of what is happening today and the consequences. As usual, it might be like overbuying or overextending credit, both domestically and abroad.

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STATEMENT SUBMITTED BY VITO MAGLI, CANDIDATE FOR CONGRESS,  
NEW YORK CITY

NEW YORK, N. Y., 1484 First Avenue.

Mr. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration and Naturalization, Washington, D. C.*

DEAR SIR: I wish to make the following statement, on my behalf, for insertion in the printed record of the public hearing held in New York City on September 30–October 1, 1952, in reference to the McCarran-Walter Act.

I respectfully urge the repeal of the McCarran-Walter Immigration Act for the following reasons:

The act is an unparalleled piece of vicious legislation aimed against 14,000,000 foreign-born in the United States. It is a pernicious and vile attack against Americans of Italian descent who have so much contributed in building our great country; it is a despicable insult against the Negro and Jewish people, against the Catholic and other people of our country.

I oppose this antidemocratic act because it vests enormous, arbitrary powers in the hands of a few officials of the Department of Justice, for deportation, exclusion, arrest and detention of people living in our country for years for the simple reason that they do not believe in the same politics of the Justice Department.

Further, I oppose this act because it excludes from coming to our country many outstanding personalities in the fields of science, arts, and other professions, because of their anti-Fascist record.

The McCarran-Walter Immigration Act perpetrates the "master race" theory by its continuous adoption of the 1924 National Origins Act, which uses the figures of the 1890 census for quotas. The Italian quota, for example, remains in the figure of 5,000, while that of England, which has not used it for years, because she does not need it, is much greater.

In order that we erase this insult against the many millions of foreign-born Americans. I urge that a public hearing be held immediately after the opening of the new Congress, so that the American people may show their indignation against the McCarran-Walter Act, and propose a new immigration and naturalization law that will honor this great family of immigrants who have so much contributed, and are still contributing, in building our country.

Respectfully yours,

VITO MAGLI.

## STATEMENT SUBMITTED BY NICHOLAS J. CASSAVETES, NEW YORK CITY

NEW YORK, N. Y., 303 WEST FORTY-SECOND STREET,  
*October 3, 1952.*

PRESIDENT'S COMMISSION ON IMMIGRATION,  
*Washington, D. C.*

DEAR SIR: You have been assigned a heavy task of determining and reporting to the President on our national immigration policy.

I shall not presume to express an opinion on the over-all policy affecting immigration.

As a Greek-American leader, however, I feel that I have a considerable store of knowledge and experience concerning Greek immigration and that your Commission might not consider it amiss to read the observations which I am to submit to you in the few paragraphs that follow:

1. The Greek-American population in the United States is about 800,000, of whom about 500,000 born in Greece and about 300,000 born in the United States.

2. The Greek-American immigrants have been engaged in the industries of restaurants, candy shops, fruit shops, and groceries. In fact, there are in the United States 30,000 restaurants and luncheonettes owned and operated by Greek-Americans. The average number of other Greek-Americans employed in these shops is four for each shop. This makes a total population of 150,000 out of 500,000 Greeks in America making their living from the restaurant industry.

There are also not less than 10,000 other shops of various industries operated by Greek-Americans. This will bring the total of Greek-Americans operating and servicing Greek-American shops to about 190,000 to 200,000. These figures would indicate that every Greek-American of working age, except native-born, who enter into other lines of trades or the professions, is earning his living from the Greek-American shops.

3. The average age of the Greek-American shopowner is 60. This will indicate that in 5 years the owners will be of retiring age.

4. The great question in the minds of these shopowners is what will happen to their shops when they will no longer be able physically to operate them.

It has taken them from 30 to 40 years to create a vast network of trained food workers servicing the American people.

5. This anxiety of the Greek-Americans causes them to hope earnestly that the so-called Celler bill, for entry into the United States of destitute relatives of Greek-Americans, may be enacted by the Congress.

6. The relief of the Greeks by the entry of 22,500 or more Greeks will not only salvage the vast food industry that our Greek immigrants have created but will also relieve Greece of a proportionate unemployed population, which is a good target for subversive propaganda, and will also perpetuate the Greek-American restaurant industry, which is of great economic value to our Nation, both in the matter of distribution of foodstuffs and also as a valuable source of tax income.

7. Nor is the number of 25,000 Greek immigrants a too generous gesture to the Greeks. For, from 1921 to 1924 the annual Greek quota was 3,000 Greeks from Greece, and about 2,000 Greeks from the then 3,000 annual Turkish quota. This means that the Greek-Americans have been practically starved as far as receiving new blood from Greece since 1924, by the loss of 4,730 immigrants each year over a period of 28 years, or by 131,000.

8. I am sure that I voice the sentiments of 500,000 Greek-American naturalized citizens in urging your Commission to recommend an equitable reparation to the Greek-Americans for the unfair reduction since 1924 of the annual flow of Greek immigrants under Greek and Turkish quotas from 5,000 to only 308, by urging upon the President to increase the number of Greeks among the proposed total of 300,000 Europeans to at least 30,000.

It is a matter of fairness to the Greek-Americans, a matter of economic necessity of the Greek-American shopowners that they bring relatives to carry on the thousands of shops which aging shopowners will have to cause to be closed, and it is also a matter of considerable national wealth through distribution of foodstuffs from our farms and our wholesale houses, as well as a salvage of millions of tax revenue from the continued operation of 40,000 Greek-American shops in the United States.

Respectfully submitted,

NICHOLAS J. CASSAVETES.

STATEMENT SUBMITTED BY MR. AND MRS. HAROLD FELTZ,  
WILLIAMSVILLE, N. Y.

OCTOBER 3, 1952.

Mr. HARRY N. ROSENFELD.

DEAR SIR: Recently I read a letter in the Buffalo Evening News. It referred to the McCarran-Walter law as a law to keep down immigration to the United States.

I am a housewife and a mother of two children, and as long as I can remember I have been told that it is the duty of American parents to show civic pride and vote to the best of our knowledge to protect our children's interest and future in the United States.

I do not feel it is fair to our children to open the floodgates of immigration. My husband and I existed through one depression, and I pray my children will never know such want. My husband and I do not want the McCarran-Walter immigration law changed in any way.

Mr. and Mrs. HAROLD FELTZ.

WILLIAMSVILLE, N. Y., 49 Cadman Drive.

STATEMENT SUBMITTED BY SERGE BELOSSELSKY, FEDERATION OF  
RUSSIAN CHARITABLE ORGANIZATIONS OF THE UNITED STATES,  
HOUSE OF FREE RUSSIA, NEW YORK CITY

FEDERATION OF RUSSIAN CHARITABLE ORGANIZATIONS OF THE UNITED STATES,

New York, 24, N. Y., October 14, 1952.

HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration and Naturalization, Washington 25, D. C.*

DEAR MR. ROSENFELD: With reference to the hearings held by you recently in New York please be informed that this federation is in complete agreement with the views expressed by His Eminence, Metropolitan Anastasius and his chancellor, Father George Grabbe, in their memorandums submitted to you on October 1, 1952.

As to the case of those refugees who, to avoid being sent back to the Soviet Union, made certain false statements, it would seem to us that bill H. R. 5678, which died somewhere in committee during last session, might solve the question, if passed. The following is a quote of the particular section I have in mind.

"[82d Cong., H. R. 5678, 1st sess.]

"A BILL To revise the laws relating to immigration, naturalization, and nationality, and for other purposes

"(P. 29, par. 19:)

"Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States by fraud, or by wilfully misrepresenting a material fact: *Provided*, That such misrepresentation shall not serve to exclude the alien under this act or other act when it has its origin in an action where he had reasonable ground to fear persecution because of race, religion, or political opinions and when such misrepresentation is found by the Attorney General not to have been material to the issue in the proceeding involved."

Very truly yours,

(Signed) SERGE BELOSSELSKY,

*Representative in Eastern United States,**House of Free Russia, Inc., 349 West 86th Street, New York 24, N. Y.*



## STATEMENT SUBMITTED BY L. M. FRUCHTBAUM, DIRECTOR, POLITICAL AFFAIRS, AND I. N. STEINBERG, SECRETARY GENERAL, FREELAND LEAGUE FOR JEWISH TERRITORIAL COLONIZATION

FREELAND LEAGUE FOR JEWISH TERRITORIAL COLONIZATION,  
1819 Broadway, Suite 301-304, New York 23, N. Y., October 24, 1952.

Mr. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration and Naturalization, 1740 G Street NW., Washington, D. C.*

DEAR MR. ROSENFELD: We greatly regret that it was impossible for the Freeland League to present its views at a hearing of your Commission. According to your advice, we are enclosing a memorandum to the Commission setting forth our suggestions for an additional aspect of the migration issue. We trust that the memorandum will be included in the materials of the Commission. Should you wish further details on the questions involved we shall be glad to supply them.

Perhaps it would be useful to add, for your information, that the Freeland League has been engaged for the past decade in investigating the possibilities for large-scale colonization of Jewish refugees in several countries overseas. The league has conducted negotiations with the Government of Australia concerning the Kimberley Province in western Australia, and with the Netherlands concerning Surinam (Dutch Guiana). The league also dispatched expert commissions to both areas and detailed scientific reports exist.

It is now involved in negotiations and investigations in other countries of Latin America. And, in accordance with our concept of migration and colonization, we are submitting the enclosed memorandum for group settlement projects in the United States.

Hoping to hear from you, we are,

Sincerely yours,

/S/ Dr. I. N. STEINBERG,  
*Secretary General.*

/S/ Dr. L. M. FRUCHTBAUM,  
*Director, Political Affairs.*

## MEMORANDUM TO THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION ON COLONIZATION IN THE U. S. A.

1. We fully support the demands of all progressive elements in this country for a change in the McCarran-Walter immigration law.

2. But the present debate on immigration provides an opportunity to draw the attention of the President's Commission and of public opinion to an important, though neglected, element in the process of migration: colonization and group settlement in the United States. By colonization we understand the settling of cohesive, organized groups of immigrants on underpopulated or underdeveloped areas of land, with the purpose of developing it on an agro-industrial basis.

3. There seems to be plenty of room in the United States for such projects of planned colonization. On August 5 of this year in New York, during the centennial celebration of the American Geographical Society, this fact was stressed in paradoxical form by Dr. L. D. Stamp, professor of social geography at London University. He said: "The United States might be one of the world's most underdeveloped countries." (New York Times, August 6, 1952).

4. We suggest that it would be advisable for a newly envisaged immigration law to formulate conditions not only for individual immigration, but also for group colonization. Thus possibilities would be created for new economic development of soil and natural resources, beneficial both to the immigrants and the country as a whole.

5. It is to be assumed that not all individual immigrants coming to this country can make the best of the existent opportunities. For the most part they settle in the overpopulated and highly industrialized cities. Streaming into the labor market of an already tightly organized and competitive economy, they necessarily pass through difficult stages of adjustment. As a result they are frequently unable to contribute the maximum of their capabilities.

6. This socio-psychological problem could be averted if a part of the immigrants were given the opportunity to start their new life as pioneers in collective economic units. Most migrants come from countries of persecution and they are in need, for a given period, of a closely knit, almost family-like environment, to

regain their human dignity and creative abilities. History, of our country and elsewhere, has proven that such an environment can best be provided in a large-scale colony, where dozens and hundreds of families work together and build a new productive existence.

7. We assume that such a colonization approach to the migration problem might well appeal to many people in the United States who view individual migration sceptically. They would see the newcomers not only as individuals attempting to infiltrate and intrude on the overcrowded positions of the existing economic system but also as groups of people coming to develop the country in a constructive manner and thus to open up new sources of production and wealth for the entire people.

8. We are aware of the fact that—according to the letter and the spirit of the American Constitution—no one can be bound permanently to a specific spot; freedom of movement is one of the basic prerogatives of the American citizen. But we believe that specific provisions could be formulated by which the migrant-groups would accept some conditions of territorial stability for the pioneering period of their settlement.

9. From an economic viewpoint, group colonization of new migrants seems to be especially efficient in that it would favor a pooling of agricultural machinery and equipment, fertilization of soil, joint buying and selling, and the development of small industries for the utilization of the byproducts of agriculture.

10. It would appear useful that some basic principles of group colonization be included in any settlement plans for the United States. These principles need not be obligatory, but the practical realization of such projects would evolve within their broad framework. These principles, incidentally, are indicated by contemporary experiences.

(a) Colonization should be not purely agricultural, but agro-industrial, to give settlers a choice of occupations and the benefits of a diversified economy.

(b) Colonization should utilize, as far as possible and as necessary, cooperative methods. There are innumerable variations in the application of cooperative methods, to avoid waste of time, energy, and capital.

(c) Colonization should take cognizance of the social, cultural, and religious backgrounds of migrant groups, and should therefore direct their settling during the pioneering stage on the basis of their ethnic and cultural coherence. Furthermore, this type colonization would keep the settlers more attached to their new homes and would act as a deterrent to city attractions.

11. The United States is showing a deep interest, and is spending large funds, to help resettle the hundreds of thousands who are homeless in the world. But the realizing is growing in our country, that the best way to help both—the immigrant masses and the countries of immigration—is not by planless individual migration, but by constructive colonization of the unpopulated and underdeveloped lands overseas. The United States Government has taken the lead in the International Committee for Migration from Europe which has now begun working along these lines.

It would be of great historical importance if the United States were to set an example to other countries by herself creating the conditions for the group settlement of migrants on the lines set forth above.

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STATEMENT SUBMITTED BY DR. L. AGH, CHAIRMAN IN U. S. A., COLLEGIAL SOCIETY OF HUNGARIAN VETERANS IN U. S. A., NEWARK, N. J.

COLLEGIAL SOCIETY OF HUNGARIAN VETERANS IN U. S. A.,  
Newark 1, N. J., 1952.

DEAR MR. PRESIDENT: In the very near future, the influx of those 300,000 refugees from behind the iron curtain, whose escape and salvation the President and the Members of the Eighty-second Congress planned and protected, will cease.

Very recently the President again asked the permission of the departing Eighty-second Congress for entry of 300,000 additional homeless refugees into the United States.

Such a humane and noble deed as this is without precedent or parallel in all history. For this deed, the Collegial Society of Hungarian Veterans expresses its perpetual gratitude and deeply sincere thanks to the President, the Congress, and to the people of the United States.

You have led us—anti-Communist veteran soldiers of Hungary—into the land of freedom and bounty. Since our settlement here we hold sacred the responsibility of loyal citizenship to the U. S. A.; of assisting in every way to perpetuate her national welfare; and to protect her land and people in case of enemy attack.

While in gratitude and faith we bow before you and the people of the U. S. A., in our own contentment we point out to you the plight of others, of one of the greatest injustices wrought by inexorable fate:

Escape from the Soviet, emigration, and homelessness tore apart many families with great cruelty. After World War II, at the beginning of the emigration of European refugees, many nations accepted only the physically able, primarily young manpower. The young seized every opportunity in order to aid their weaker and older family members through quick emigration and subsequent lucrative jobs. There were occasions when the father's unusual strength or talents hastened the emigration of the parents, who, in turn, held pressing the need to aid those children left behind. These events broke up more families. The U. S. A. was almost the only nation in whose people and leaders were inherent humaneness, understanding, and neighborly love to open her gates to all, regardless of age.

With great respect we beseech Mr. President and all Members of the Eighty-second Congress that, during the preparation of and decision on the new immigration law, they keep in mind these broken families; that they make it possible for parent and child, regardless of sex, age, creed, or nationality, to travel at his own expense to the U. S. A.

The high economic standards existing today have assisted the immigrant parent or child in the U. S. A. in saving sufficient funds to pay the immigration expenses of his remaining refugee family.

In the consideration of the above request, we call your attention to the fact that the number of these new immigrants (who on the basis of the DP law came to the United States but have not yet been able to become citizens) is much larger than the number of those who would immigrate on the basis of our above petition.

We repeat our request; and in faith place it at the discretion of Mr. President and each Member of the Eighty-second Congress, and trust in their best intentions and wisest foresight.

Very cordially,

COLLEGIAL SOCIETY OF HUNGARIAN VETERANS IN U. S. A.,

(Signed) L. AGH,

Newark 1, N. J.

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STATEMENT SUBMITTED BY REV. PAYSON MILLER, SECRETARY,  
INTERNATIONAL RELATIONS COMMITTEE, CONNECTICUT COUNCIL  
OF CHURCHES

[Western Union telegram dated October 30, 1952]

HARTFORD, CONN., *October 30.*

DIRECTOR OF IMMIGRATION,  
1742 G Street NW., Washington, D. C.:

International Relations Committee, Connecticut Council of Churches, urges following changes in McCarran Immigration Act: Elimination of national origins quota system; permit deportation only because of illegal entry; elimination of discrimination between native-born and naturalized citizens; guarantee fair hearing to persons subject to law.

REV. PAYSON MILLER, *Secretary.*

STATEMENT SUBMITTED BY GEORGE B. MURPHY, JR., COCHAIRMAN,  
AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN, NEW  
YORK CITY

AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN,  
23 West Twenty-sixth Street, New York, N. Y., October 25, 1952.

HON. HAROLD ROSENFELD,

*Executive Secretary, President's Commission on Immigration and Nat-  
uralization, Executive Office, Washington, D. C.*

DEAR SIR: For the final day of your hearings, October 28, we submit herewith a letter signed by 80 prominent Americans from 23 States expressing their opposition to the Walter-McCarran law.

We hope that you will give this letter your consideration.

Respectfully yours,

(Signed) GEORGE B. MURPHY, JR., *Cochairman.*

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,

*Washington, D. C.*

DEAR SIR: It is fitting that your month-long hearings throughout the country should terminate today, the sixty-sixth anniversary of the dedication of the Statue of Liberty. On this anniversary, we the undersigned, bearing in mind the great democratic heritage on which this Nation was founded, and the enormous contribution made to it by the foreign born, cannot but feel that heritage and those contributions are being discarded by the enactment of the Walter-McCarran law.

In this letter we can only touch on a few phases of our disagreement with the Walter-McCarran Act and the general pattern of legislation aimed at the foreign born. The quota restrictions, based on discrimination against those of eastern and southern Europe, have long been a blot on our books and certainly do not create any great feeling of friendship toward us by the peoples of the world. And now are added special restrictions against our neighbors, the people of the West Indies, developing a new aspect, so aptly called by Congressman Celler, "a quota within a quota," and limiting their admission to this country to 100 a year from each colony.

Noncitizens and naturalized citizens are robbed of constitutional guaranties by this new law. Noncitizens can be arrested for deportation at the merest suspicion by any agent so designated by the Attorney General. They can be held without bail indefinitely. They can be deported to any country designated by the Attorney General regardless of the persecution awaiting them on arrival, and regardless of the length of their residence or family ties here.

The Mexican people have become the target and free game for deportation. Hundreds of thousands of Mexicans are picked up each year and hurled deep into the interior of Mexico and it is indeed not infrequent that citizens are deported with noncitizens.

Naturalized citizens are relegated to a second-class status and no statute of limitations guarantees their citizenship. A host of new crimes have been created against naturalized citizens, making it possible for citizenship to be taken away at any time. Two classes of citizenship are instituted—one for the native-born and one for the naturalized citizen.

Endless police-state procedures have been initiated against the foreign-born, the aim of which can only be to make all ideas subject to the discretion of the Attorney General. Freedom of thought, speech, and association are being denied to all foreign-born in this country.

We, the undersigned, respectfully urge that on this, the final day of your hearings and on the sixty-sixth anniversary of the dedication of the Statue of Liberty, you do your utmost to guarantee that there shall be a new policy of immigration and naturalization, a policy that makes no distinction between

native- and foreign-born citizens, a policy which accords to all, native- and foreign-born, liberty and freedom as guaranteed under the Constitution of the United States, and a policy which ends discrimination against the peoples of the world.

Respectfully yours,

(Signed) Rabbi Michael Alper, New York, N. Y.; Hon. Elmer A. Benson, Appleton, Minn.; Dr. Russell Becker, Kalamazoo, Mich.; Prof. Derk Bodde, Philadelphia, Pa.; Prof. G. Murray Branch, Atlanta, Ga.; Dr. Dorothy Brewster, New York, N. Y.; Prof. Emily C. Brown, Poughkeepsie, N. Y.; Rev. Raymond Calkins, Cambridge, Mass.; Rev. Frank D. Campbell, Del Rosa, Calif.; Rev. Howard R. Carey, Altadena, Calif.; Dr. A. J. Carlson, Chicago, Ill.; Prof. Florence Converse, Wellesley, Mass.; Prof. Philip W. L. Cox, Vineyard Haven, Mass.; Dr. Abraham Cronbach, Cincinnati, Ohio; Prof. Ephraim Cross, New York, N. Y.; Rev. John W. Darr, Middletown, Conn.; Very Rev. John W. Day, Topeka, Kans.; Prof. William Wells Denton, Tucson, Ariz.; Dr. Katherine Dodd, Little Rock, Ark.; Prof. Arnold Dresden, Swarthmore, Pa.; Dr. Guido Ferrando, Ojai, Calif.; Rev. George A. Fisher, Raleigh, N. C.; Rev. Kenneth Ripley Forbes, Philadelphia, Pa.; Hon. Clemens J. France, Providence, R. I.; Prof. Royal W. France, New York, N. Y.; Ben Gold, New York, N. Y.; Dr. Marcus I. Goldman, Alexandria, Va.; John T. Gojack, Fort Wayne, Ind.; Rabbi Robert E. Goldberg, Hamden, Conn.; Rev. L. A. Gross, Chicago, Ill.; Dr. Ralph H. Gundlach, New York, N. Y.; Robert Gwathmey, New York, N. Y.; Rev. Albert J. Hallington, Danbury, Conn.; Dashiell Hammett, New York, N. Y.; William Harrison, Boston, Mass.; Prof. Robert J. Havighurst, Chicago, Ill.; Prof. A. Eustace Hayden, Chicago, Ill.; Rev. Charles A. Hill, Detroit, Mich.; Rev. Chester E. Hodgson, Ozone Park, N. Y.; Rev. Prof. Fleming James, Sr., North Haven, Conn.; Francis Fisher Kane, Peace Dale, R. I.; Hon. Robert W. Kenny, Los Angeles, Calif.; Dr. John A. Kingsbury, Shady, N. Y.; Prof. Paul Kirkpatrick, Stanford, Calif.; Prof. I. M. Kolthoff, Minneapolis, Minn.; Dr. Walter Landauer, Storrs, Conn.; Rev. Carl J. Landes, Deer Creek, Okla.; Dr. Paul H. Lavietes, New Haven, Conn.; Samuel M. Lindsay, Washington, D. C.; Prof. Oliver S. Loud, Yellow Springs, Ohio; Rev. Bernard M. Loomer, Chicago, Ill.; Rev. Edward G. Maxted, Warrington, Fla.; Rev. John A. Maynard, New York, N. Y.; Miss Mary S. McDowell, Brooklyn, N. Y.; Rt. Rev. Walter Mitchell, Rancho Sante Fe, Calif.; Hon. Stanley Moffatt, South Gate, Calif.; Rt. Rev. Arthur W. Moulton, Salt Lake City, Utah; Scott Nearing, Cape Rosier, Maine; Prof. Gaspare Nicotri, New York, N. Y.; Prof. Constantine Panunzio, Los Angeles, Calif.; Rev. Edward L. Peet, Sacramento, Calif.; Prof. Bertha Haven Putnam, South Hadley, Mass.; Willard B. Ransom, Indianapolis, Ind.; Anton Refregier, Woodstock, N. Y.; Dr. Bertha C. Reynolds, Stoughton, Mass.; Earl Robinson, Brooklyn, N. Y.; Prof. Robert A. Rosenbaum, Portland, Oreg.; Alexander Saxton, Sausalito, Calif.; Prof. Philip L. Schenk, Ann Arbor, Mich.; Dr. Paul Scherer, New York, N. Y.; Prof. Vida D. Scudder, Wellesley, Mass.; Dr. Laila Skinner, Chicago, Ill.; Prof. Louise Pettibone Smith, Wellesley, Mass.; Prof. Ellen B. Talbot, Spartanburg, S. C.; Dr. Alva N. Taylor, Nashville, Tenn.; Eddie Tangen, San Francisco, Calif.; Prof. Leroy Waterman, Ann Arbor, Mich.; Prof. F. W. Weymouth, Los Angeles, Calif.; Prof. Rolland Emerson Wolfe, Cleveland Heights, Ohio; and Rev. Sam Wright, Boston, Mass.

## STATEMENT SUBMITTED BY EDITH WYNNER, NEW YORK CITY

54 RIVERSIDE DRIVE, NEW YORK 24, N. Y.,  
October 28, 1952.

MR. HARRY N. ROSENFELD,  
*Executive Director,*  
*President's Commission on Immigration and Naturalization,*  
*Washington, D. C.*

MY DEAR MR. ROSENFELD: Thank you for your telegram informing me that while it is not possible to arrange for additional testimony on the McCarran-Walter Act, a written statement would be acceptable.

I enclose the statement I had prepared and would appreciate your adding it to the report being made of these hearings.

I would also appreciate being put on the mailing list of your Commission.

Thanking you in advance and with best wishes for the success of your efforts to secure revision of this sadistic and un-American legislation.

Very sincerely yours,

(Signed) EDITH WYNNER.

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MCCARRAN-WALTER ACT APPLIES A RELIGIOUS TEST TO ALIEN PACIFIST APPLICANTS FOR CITIZENSHIP

Statement of Miss Edith Wynner of New York, former secretary of the Griffin-O'Day Bill Committee to reconcile naturalization procedure with the Bill of Rights (1934-36); New York secretary of the Campaign for World Government (1937-42); vice president of the World Movement for World Federal Government (1947-48); co-author of *Searchlight on Peace Plans: Choose Your Road to World Government*, Dutton, 1944; 1949. At present working on the biography of the late Rosika Schwimmer.

Mr. Chairman and Members of the President's Commission on Immigration and Naturalization: I am here as an individual concerned with the swift erosion by legislation and administrative practice of our long-cherished rights. I wish to identify myself with those who condemn this act both in general and in particular. I have read it a number of times and become more convinced with each reading that its entire spirit is offensive and contrary to American traditions of freedom and human dignity.

Judge Learned Hand only a few days ago warned with an eloquence that deserves repetition, of the dangers that concern us here, when he said: "I believe that that community is already in the process of dissolution \* \* \* where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection \* \* \* where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists to win or lose."

I am sure that the various provisions of the McCarran-Walter Act have been brought under critical review by persons testifying before you throughout the country. I wish to deal briefly with a provision of the act which probably has not been dealt with by others in these hearings since no large group of people are directly affected. I feel strongly about it because it violates a fundamental principle of our Constitution.

I refer to section 337 (a) in the McCarran-Walter Act which provides for the naturalization of aliens who show "by clear and convincing evidence" that they are "opposed to the bearing of arms \* \* \* by reason of religious training and belief \* \* \*"

This section goes on to define the term "religious training and belief" to mean "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

This section requires not only that an alien pacifist prove the sincerity of his or her convictions against participation in war in any form but puts a religious test upon the motivation of such conviction. I submit that this is a violation of the first article of our Bill of Rights which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof \* \* \*"

By freedom of religion we have always understood also freedom to have no religion. Those conscientiously opposed to participation in war in any form, whether international, civil, or class war, as a matter of record come of various backgrounds and include both religious and nonreligious individuals. They have but one conviction in common and that is the belief that it is wrong to destroy human life. Congress is properly concerned with the question of the sincerity with which such a conviction is held; but it is a violation of our Constitution for Congress to require not merely sincerity but sincerity based on religious belief.

I consider that the present wording in the McCarran-Walter Act as also that in the Internal Security Act of 1950 violates our constitutional provision and traditions of religious freedom and separation of church and state. Justice Jackson in a recent Supreme Court dissent (Zorach case) warned of the violation of this tradition when he said: "The day that this country ceases to be free for irreligion it will cease to be free for religion—except for the sect that can win political power."

I trust that in your recommendations regarding revision of the McCarran-Walter Act you will urge changes in the language of section 337 (a) that will bring it into conformity with our Bill of Rights and restore the right of naturalization to the nonreligious objector. I believe this would be achieved by amending this section to read as follows: "\* \* \* except that a person who shows by clear and convincing evidence to the satisfaction of the naturalization court that he is opposed to the bearing of arms in the Armed Forces of the United States by reason of religious, *ethical, humanitarian, or philosophical* training and belief \* \* \*"

The issue of the naturalization of alien pacifists has been the subject of Supreme Court decision on at least five occasions (Schwimmer, Macintosh, Bland, Girouard, and Cohnstaedt) and of inspiring majority and dissenting opinions which have been a continuing source of inspiration to those engaged in the unequal struggle for the preservation and extension of human freedom.

Both the recent past and the all-too painful present show clearly that the decisive gage of a nation's political health is its treatment of its dissenters. Dissent and dissenters are abolished in all totalitarian lands, whether of the right or of the left. And when that happens, the great indifferent majority of the population suddenly discovers, but too late, that with the rights of the dissenter the rights of all have been abolished. We are already dangerously far advanced along the paths of repression.

When we impair our freedoms, we do more than merely injure ourselves for these United States of America have been a symbol of mankind's aspirations for nearly 200 years. We are not just any other nation sovereignly free to follow the current fads of repression and witch-hunting. For to the extent that we limit or infringe freedom in America, we have shattered the dream and hope of freedom of mankind everywhere.

Justice Holmes' oft-quoted words from his immortal dissenting opinion in the Schwimmer case are more pertinent today than when they were written. He said: "\* \* \* if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate. I think that we should adhere to that principle with regard to admission into, as well as to life within, this country."

I hope your Commission will be guided by this courageous concept of Americanism and that it will work to revise the McCarran-Walter Act in the spirit that it expresses.

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STATEMENT SUBMITTED BY STEPHEN J. KOVRAK, ATTORNEY, IN BEHALF OF POLISH-AMERICAN CONGRESS, INC. (EASTERN DIVISION), AMERICAN RELIEF FOR POLAND (PHILADELPHIA DIVISION), POLISH AMERICAN CITIZENS LEAGUE OF PENNSYLVANIA

STEPHEN J. KOVRAK,

5713 Torresdale Avenue, Philadelphia, Pa., October 28, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,

Executive Offices, Washington, D. C.

GENTLEMEN: I am submitting herewith a statement of the Polish nationality group expressing their views on the present quota system as it pertains to the

Polish nation, and also the other countries that represent the minority in the field of immigration.

The organizations that I mentioned on the statement represent practically all of the area in and around Philadelphia.

It shall be appreciated if you will give our views your kind consideration.

Thanking you, I am

Very truly yours,

(Signed) STEPHEN J. KOVRAK.

Enclosure: Statement (4).

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,  
EXECUTIVE OFFICES,  
Washington, D. C.

GENTLEMEN: A careful review of our quota system reveals inequities that should be considered intelligently on behalf of the Polish nationality group.

The total annual quota proclaimed under the new act is 154,657, effective January 1, 1953. This total when compared on an over-all basis shows that injustice is done to most of the European countries because of the fact that 70 percent of the total quota is allocated to three countries, namely: Germany, Great Britain, and Ireland, this factor shows how inequitable the distribution is in our method of the quota system. It is certain that the population of these three countries does not equal 70 percent of the total in Europe. Poland's quota is not considered in the same comparison, for if it was the quota would be considerably higher than the mere 6,500 which is allocated. Poland is not the only country that seems to be discriminated against, but there are other countries in Europe that have been treated in much the same manner, they are: Italy, France, Belgium, Netherland, and others.

The bill as it stands continues for practical purposes the quota system which was enacted into law in 1924. This quota system as viewed with our progress and American ideals, is long since out of date and more than ever unrealistic in the face of present world conditions. Country-by-country limitations create a pattern that is objectionable to large numbers of our finest citizens because of the inequities.

The over-all quota limitation under the law of 1924, restricted annual immigration to approximately 150,000. This was about one-seventh of 1 percent of our total population in 1920. Since 1920 our population has grown so that the law now allows us one-tenth of 1 percent.

Since the Americans of English, Irish, and German descent were most numerous, immigrants of those three nationalities got the lion's share, more than two-thirds of the total quota. The remaining third was divided up among all the other nations given quotas.

The quota for Poland is only 6,500, as against the 138,000 exiled Poles, all over Europe, who are asking to come to these shores.

In no other realm are we standing still, as we are in the field of immigration. We do not limit our cities to their 1920 boundaries, we welcome progress and change to meet changing conditions in every sphere of life, except in the field of immigration.

We request your kind consideration of the Polish quota.

Respectfully submitted on behalf of the following organizations: Polish American Congress, Inc. (Eastern Division), American Relief for Poland (Philadelphia Division), Polish American Citizens League of Pennsylvania.

STEPHEN J. KOVRAK.

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STATEMENT SUBMITTED BY OTTO A. HARBACH, PRESIDENT, AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS

AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS,  
575 Madison Avenue, New York 22, N. Y., October 28, 1952.

Mr. HARRY N. ROSENFELD,

*Executive Director, President's Commission on Immigration and Naturalization, Executive Office, Washington 25, D. C.*

DEAR MR. ROSENFELD: In keeping with my letter to you under date of October 10, I accept your invitation, extended to me as president of the American Society of Composers, Authors and Publishers (ASCAP), to file with you my views on the



matter of our country's immigration and naturalization policies. I take advantage of this opportunity in the belief that my membership in the society, dating from 1914—and especially my experience as its president during the last 3 years—qualifies me to speak with considerable authority. I hope what I say may be helpful.

I am particularly concerned that you should know of the impressive proportion of foreign-born creators of music who are Americans by adoption. Of our 3,000 writer (composer and author) members, 400 have come to our country from the lands of their birth. It is true that these gifted makers of music might have gone to great heights in their native lands. In fact, some of them, after achieving greatness in the lands of their birth, found changing conditions repugnant to their continued activities in their homelands and have come to America for the free use of their God-given talent. Genius never has thrived in strait-jackets, nor have iron curtains been good sounding boards for the makers of musical works. Arbitrary formulas for the exercise of creative talent cannot bring forth the great works that result from free play of such talents in unrestricted surroundings.

My earnest appeal, therefore, is that the potentialities of music as an important factor in your problems be kept in mind. We are in agreement, I am sure, that the exchange of musical cultures among nations is an irreplaceable contribution to world friendship. The arts know no national barriers. Music as an international language expressing the fundamental emotions common to all mankind promotes sympathetic understanding beyond the reach of protocol and treaty.

To document my appeal, I send with this statement the latest edition of the ASCAP Biographical Dictionary. I direct your attention to page 554, the appendix listing our writer members by places of birth. This is in confirmation of my statement as to the impressive proportion of foreign-born members—the creators of music who have found in America their ideal place of expression.

I have no specific recommendations. I know only that it is imperative for the healthy development of creative talent within our shores that we encourage the flow of such talent into our own musical life. I have skimmed through the names of our foreign-born members to select a few of the outstanding contributors to the musical riches we are proud to call our own. Here they are, alphabetically arranged:

From Australia, Percy Grainger; Austria, Fritz Kreisler and Arnold Schoenberg; Canada, R. Nathaniel Dett, Percy Faith, Eugene Lockhart, Geoffrey O'Hara, Gitz Rice; Czechoslovakia, Rudolf Friml, Gustav Mähler; England, Bruno Huhn, Will Rossiter, Leopold Stokowski, P. G. Wodehouse; France, Raymond Bloch, Carlos Salzedo; Germany, Richard Czerwonky, Walter Damrosch, Lukas Foss, Gustave Kerker, Kurt Weill; Hungary, Leopold Auer, Erno Balogh, Bela Bartok, Emmerich Kalman, Erno Rapee, Sigmund Romberg, Tibor Serly; Ireland, Padraic Colum, Victor Herbert, Charles B. Lawlor; Italy, Gian Carlo Menotti, Domenico Savino, Cesare Soderò, Pietro Yon; Mexico, Alfonso D'Artego, Mme. Maria Grever; Netherlands, David H. Broekman, Richard Hageman, Peter Van Steeden; Poland, Isidor Achron, Leopold Godowsky; Romania, Jacques Wolfe; Scotland, R. H. Burnside; Russia, Joseph Achron, Irving Berlin, Vernon Duke, Mischa Elman, Igor Gorin, Samuel Gardner, Jascha Heifetz, Mischa Levitski, Sergei Rachmaninoff, Lazare Saminsky, Igor Stravinski, Efrem Zimbalist; Spain, Vincent Gomez and Manuel Garcia Matos; Switzerland, Ernest Bloch, Rudolph Ganz; Union of South Africa, Paul Kerby, Josef Marais; Wales, David McK. Williams, Alec Templeton.

Let us be sure that in any changes of our laws we do not make it possible for a situation to arise which would keep from our country another generation of Victor Herberts, Bela Bartoks, Sergei Rachmaninoffs, Fritz Kreislers—creative writers whose genius will thrive in the free atmosphere of America.

Let us set an example to other countries by extending a warm welcome to any such who may come knocking at our door. We must welcome genius regardless of the spoken language of its birthplace for in this we will be following the American tradition and adding to the already vast store of musical riches created in this country.

Trusting my views may have consideration of your Commission, I am,

Respectfully,

[S] OTTO A. HARBACH,  
*President, American Society of Composers,  
Authors and Publishers.*

STATEMENT SUBMITTED BY C. JAMES TODARO, ATTORNEY-AT-LAW,  
PHILADELPHIA, PA.1131 NORTH SIXTY-THIRD STREET, PHILADELPHIA, PA.,  
September 29, 1952.

Mr. PHILIP B. PERLMAN,  
Chairman, President's Commission on Immigration and Naturalization,  
1742 C Street NW. (Third Floor), Washington, D. C.

DEAR MR. PERLMAN: Unable to attend the hearing scheduled by your Commission in New York on September 30 and October 1, 1952, I am addressing you this letter in order to get on the record my views on the immigration policy that should be adopted.

Our entire immigration policy has been based upon the premise that the influx of immigration from southern and eastern European countries would affect and change the racial and religious make-up of our country's population. This purpose was masked by allegations of racial inferiority and low intelligence of peoples coming from these countries. To prevent the so-called racial and religious unbalancing of our Nation, the intelligence test and the quota system were devised. The quota system, as established, was based upon the census of 1890 and favored, as was the purpose of the framers of such legislation, the so-called superior Nordic races, with the result that a much larger quota was assigned to England, Germany, and the Scandinavian countries which have never used up the yearly quota assigned to them. The alleged inferiority of southern and eastern European peoples has been amply refuted by the accomplishments of the relatively few immigrants from these countries who were permitted to establish themselves here.

It is my opinion that this wholly fallacious and unfair policy should be revised and an equitable law enacted. I believe that a realistic approach to the problem should eliminate any discrimination by first determining the number of immigrants that could be absorbed yearly, and establish a quota for each of the countries, based upon the degree of overpopulation existing in said countries, and a method of selectivity adopted which would be based upon the moral and physical fitness of the immigrants, irrespective of their racial or religious background.

The present McCarran-Walter Act and previous laws are a serious affront to a large segment of good, substantial American citizens who have given overwhelming proof of their moral and intellectual fitness, and their loyalty and devotion to the principles of the Constitution.

Respectfully yours,

C. JAMES TODARO.

STATEMENT SUBMITTED BY WILL MASLOW, DIRECTOR, AMERICAN  
JEWISH CONGRESS, COMMISSION ON LAW AND SOCIAL ACTION

AMERICAN JEWISH CONGRESS,  
COMMISSION ON LAW AND SOCIAL ACTION,  
15 East Eighty-fourth Street, New York 28, N. Y., October 29, 1952.

Mr. PHILIP PERLMAN,  
Chairman, President's Commission on Immigration and Naturalization,  
Executive Offices of the President,  
Washington, D. C.

DEAR MR. PERLMAN: I am enclosing copies of a memorandum prepared by the American Jewish Congress analyzing the racist beginnings of the national origins quota system as contained in the Immigration Act of 1924.

You will recall that the American Jewish Congress was represented by a statement submitted in its behalf by Rabbi Simon Kramer at the opening of the Commission's hearings last month in New York City. We believe, however, that this additional memorandum will be of interest and assistance to the Commission in its deliberations and we ask therefore that it be incorporated into the Commission's permanent record.

If you believe it necessary I should be happy to appear before the Commission to explain or amplify any of the statements or findings contained in this memorandum.

Sincerely yours,

(S) WILL MASLOW.

## AMERICAN JEWISH CONGRESS

AN ANALYSIS OF THE RACIST ORIGINS OF THE NATIONAL ORIGINS QUOTA SYSTEM  
OF THE IMMIGRATION ACT OF 1924

(Submitted to the President's Commission on Naturalization and Immigration,  
Washington, D. C., October 29, 1952)

## MEMORANDUM ON RACIST BACKGROUND OF THE NATIONAL ORIGINS QUOTA SYSTEM

*Introduction*

In August 1948 the American Jewish Congress testified before the Subcommittee To Investigate Immigration and Naturalization of the Senate Committee on the Judiciary and opposed continued use of the national origins quota system as a negation of democratic principle. Since that time we have consistently maintained that the national origins formula saddles this country with an immigration admissions policy which impairs our domestic well-being and embarrasses our Government in the conduct of its foreign relations.

The national origins formula, as conceived in 1924 and as administered today, permits the entry of immigrants not in terms of personal character, worth, quality or suitability but exclusively in terms of geographic origin. Place of birth has been demonstrated time and time again to be completely irrelevant to any consideration of any individual fitness. Because of the rigidities of this system, because of its blind allocation of the largest share of the annual allotment of visas to those nations in which there is the least demand for immigration, thousands upon thousands of visas are wasted each year. This waste is doubly tragic in a time of almost unprecedented need for immigration opportunities for peoples from depressed and overcrowded sections of the world.

It is regrettable that so thoroughly discredited a principle should only recently have been rewritten into our immigration laws by the McCarran-Walter Act adopted by the Eighty-second Congress. As President Truman noted in his veto of that bill: "Our present quota system is not only inadequate to meet present emergency needs, it is also an obstacle to the development of an enlightened and satisfactory immigration policy for the long-run future."

Proponents of the national origins formula insistently deny that it embodies a discriminatory intent. The racist objectives of those who devised and urged this system however are clearly disclosed by a review of the events leading up to the framing of the national origins plan and by analysis of its legislative history, including the hearings and reports of the Senate and House Committees on Immigration, the debates on the floor of the Congress and the statements of those responsible for its drafting. This memorandum proposes to provide such a review.

Circumstances have altered considerably in the generation and more that has elapsed since 1924. We have acquired a substantial body of experience relating to immigration not available to the framers of the national origins principle. In the interim our methods of social analysis have become more refined and our national ideas and purposes have become clarified and strengthened. The sum of these changes requires critical reappraisal of the premises upon which our immigration law is built. We submit that fair and dispassionate scrutiny of the beginnings and development of the national origins principle and of the motives and purposes which it expresses must yield the conclusion that the national origins formula is racist in conception and operation and that it is repugnant to our national ideals.

We are not unmindful of the racist-inspired restrictions aimed at Asian races in the Immigration Act of 1924 or of the racist libels, directed at Asian groups in the debates leading up to the adoption of that law. That bias was so pronounced that such races were completely barred from the country and were allotted no immigration quotas whatever. But we believe that the antioriental bias of our immigration system is a matter of such notoriety as to require little emphasis here to bring it to public attention. This memorandum therefore is confined to a discussion of the little known and less well understood racist bias against southern and eastern Europeans embodied in the national origins quota system.

*Background*

Ethnic discrimination in our immigration law has been accomplished by three techniques other than outright exclusion as in the case of the Japanese and Chinese, namely, literacy tests, a percentage quota system and finally the

national origin quota system. The first attempt to limit immigration which had its base in racial and ethnic bias other than that directed at the Chinese and Japanese occurred in the Fifty-fourth Congress. Until that time Federal restrictive legislation had been directed against contract laborers (27 Stat. 569, (1893)), paupers (18 Stat. 477, (1882)) and diseased, insane, and criminal immigrants (26 Stat. 1084 (1891)). Although in the period 1835 to 1860 the Nationalists and Know-Nothings sought State and Federal legislation against foreigners and attempted to exclude immigrants completely, they had been unsuccessful. In fact, national legislation to protect immigrants from the dangers of the travel of that day were passed during this period (vol. 39, Doc. No. 758, Reports of the Immigration Commission, 61st Cong., 3d sess. (1910)).

In the Fifty-fourth Congress (1896), however, a bill providing for the exclusion from the United States of persons, physically capable and over 16 years of age, who could not read and write some language was introduced. This literacy test, until it became a part of our immigration laws in 1917, was a favorite legislative goal of congressional restrictionists and for many years most of the controversies concerning the racial and ethnic basis of our population revolved around the adoption of such a test. The literacy test, introduced in the Fifty-fourth Congress, as well as all subsequent literacy tests, was specifically directed at southern and eastern European immigrants. These so-called new immigrants in contrast to the old, namely those from northern and western Europe, had only started to come to the United States in large numbers in 1880. The report of the Senate Committee on Immigration of the Fifty-fourth Congress, which contained tables attempting to show that the immigrants from southern Europe had a higher ratio of illiterates, criminals, paupers, and slum dwellers than their northern and western colleagues, explained the purpose of the literacy test in this period in these words:

“\* \* \* the literacy test will affect almost entirely those races whose immigration to the United States has begun within recent time and which are most alien in language and origin to the people who founded the 13 colonies and which built the United States \* \* \*” (S. Rept. No. 290, 54th Cong., 1st sess., pp. 22, 23 (1896)).

President Cleveland vetoed the bill. However, agitation for the inclusion of a literacy test in our immigration laws continued. Bills providing for a literacy test were introduced in almost every session of Congress and were vetoed by Presidents Taft, Cleveland, and Wilson. The motives behind this legislative agitation were aptly summed up in the 1923 Report of the Commissioner General of Immigration. At page 23 the report stated:

“Even a casual survey of congressional discussions of the immigration problem during the past quarter of a century demonstrates very clearly that while the lawmakers were deeply concerned with the mental, moral, and physical quality of immigrants, there developed as time went on an even greater concern as to the fundamental racial character of the constantly increasing numbers who came. The record of alien arrivals year by year had shown a gradual falling off in the immigration of northwest European peoples, representing racial stocks which were common to America even in colonial days, and rapid and remarkably large increase in the movement from southern and eastern European countries and Asiatic Turkey. Immigration from the last-named sources reached an annual average of about 750,000 and in some years nearly a million came, and there seems to have been a general belief in Congress that it would increase rather than diminish. At the same time, no one seems to have anticipated a revival of the formerly large influx from the ‘old sources’ as the countries of northwest Europe came to be known.

“This remarkable change in the sources and racial character of our immigrants led to an almost continuous agitation of the immigration problem both in and out of Congress, and there was a steadily growing demand for restriction, particularly of the newer movement from the south and east of Europe. *During the greater part of this period of agitation the so-called literacy test for aliens was the favorite weapon of the restrictionists and its widespread popularity appears to have been based quite largely on a belief, or at least a hope, that it would reduce to some extent the stream of new immigration, about one-third of which was illiterate, without seriously interfering with the coming of the older type, among whom illiteracy was at a minimum.*” [Italics supplied.]

In 1911, a report by the Immigration Commission, the Dillingham Commission, set up pursuant to the Immigration Act of 1907 recommended “the exclusion of those unable to read or write in some language” as “the most feasible single method of restricting undesirable immigration.” It also suggested “the limita-

tion of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years." (Conclusions and Recommendations of the Immigration Commission, p. 40, 1910).<sup>1</sup>

In 1917 the agitation for a literacy test culminated in the passage over President Wilson's veto of the Immigration Act of 1917 excluding aliens over 16 years unable to read in any language.

### *Quota systems*

After World War I immigration continued to be one of Congress' chief concerns. During the congressional sessions of 1919, 1920, and 1921 various restrictive bills were introduced. These bills employed the quota or percentage technique which was one of the recommendations of the 1910 Dillingham Commission, that is, they provided for quotas for each nationality to be determined on a basis of a certain percent of the number of foreign born in the United States on a certain date. The crucial question and, of course, the subject of almost all debate and discussion, both on the floor of Congress and during the hearings on the various quota bills up to and including the hearings on the bill which was to become the Immigration Act of 1924—was what date was to be selected as the so-called quota base. As has been shown, the so-called new immigration, that from southern and eastern Europe, began to arrive about 1880, and except for the war period continued in ever increasing numbers until about 1920. During the same period, the old immigration, that from northern and western Europe, declined to some extent. From 1914 immigration from southern and eastern Europe was about four times as large as that from northern and western Europe (S. Rep. No. 950, 80th Cong., 2d sess., 1948). Thus it can be easily seen that selection of the year 1890 as the quota base would inevitably limit the number of immigrants from southern and eastern Europe and give preference to immigrants from northern and western Europe. Correspondingly, selection of 1920 as the base would require giving recognition in the quota to the large numbers of foreign born from southern and central Europe who had reached these shores since 1880 and thus would insure large quotas for southern and central Europe.

As is shown below, the Federal lawmakers of that period were not unaware of the significance of the choice of date for a quota base, nor were they at all shy about publicly espousing a particular date solely because it had the effect of limiting immigration from certain portions of the world.

The first quota act was enacted and signed by President Harding in 1921 (42 Stat. 5). It set a ceiling of about 350,000 immigrants annually by limiting the number of any nationality admitted to 3 percent of foreign-born persons of such nationality in the United States as determined by the census of 1910.

The House report, accompanying the bill (H. R. 4075) which later became the Immigration Act of 1921 expressly gave as one of the reasons for adopting 1910 as a quota base, the fact that by so doing a preference was given to the so-called old immigration. The House report pointed out that—

"The 1910 figures are available and give a substantial base established on what is known as the "old immigration," which has become more permanently fixed in the United States than the "new immigration" which came in large numbers during the decade from 1900-1910 and was coming in still larger numbers during the year following 1910, and has been suspended by the European war and has been resumed since July 1920" (H. Rept. No. 4, 67th Cong., 1st sess., 1921).

Illustrative of the thinking of the State Department, the majority of the House Immigration Committee and particularly of Albert Johnson, chairman of the committee, as to the type of immigrants to be expected from southern and central Europe and the desirability and necessity of restricting such immigration, are the following abstracts of State Department's reports which were made a part of the House committee's report accompanying H. R. 4075 and presented to the House by Representative Johnson. At page 11, appendix A, the House report states:

"*Warsaw.*—Attention is directed to the character of the majority of the persons who are now leaving Poland for the United States. Only by a visit to the Ellis Island station will it be possible for one in the United States to comprehend the nature of these people, if he has never seen them in their native environment. At the present time it is only too obvious that they must be sub-

<sup>1</sup>The Report of the Immigration Commission. Dictionary of Races or Peoples (S. Doc. No. 662, 61st Cong., 3d sess., p. 171) classified Jews as a race under the terms "Hebrew," "Jewish," or "Israelite."

normal, and their normal state is of very low standard. Six years of war and confusion and famine and pestilence have racked their bodies and twisted their mentality. The elders have deteriorated to a marked degree. Minors have grown into adult years with the entire period lost in their rightful development and too frequently with the acquisition of the perverted ideas which have flooded Europe since 1914 \* \* \*.

"A second predominant feature in the whole movement of these emigrants of all classes is their reason for proceeding to the United States. A pitifully small percentage is moving with a fixed purpose.

"Hundreds, both Jewish and Christian, or of no religious profession, have been asked why they wish to go to America. The answer almost invariably is, 'Please, mister, we have rich relatives there. We can find an easier life.' These are not the Europeans of a sturdier day, who in family conference sternly resolved on the great adventure and set forth on unknown wastes to the new America across the seas. These are not those who hewed the forests, founded the towns, fought the savages, breasted the storms of wilderness, conquered the wastes and built America. These are beaten folk, spirits broken, in effect, driven from their European habitat into the west. They have no desire to form and build. They will exist on what has been prepared for them by a better people \* \* \*.

#### "RUMANIA

"*Bucharest.*—A large number of undesirable aliens are applying for permission to proceed to the United States. Besides being as a class economic parasites, tailors, small salesmen, butchers, etc., they are not unsympathetic with Bolshevik ideas \* \* \*.

"The class of persons who form the majority of emigrants from Besarabia offer no particular value to our country as productive labor, but rather increase our burden of petty middlemen with ideas of moral and business dealings difficult to assimilate with our own.

#### "RUSSIAN CAUCASUS

"Tiflis \* \* \* the great bulk of emigrants to the United States from this district are highly undesirable as material for future American citizens. They are not only illiterate, but the years of unsettled conditions which they have been forced to live have caused them to lose the habit of work. Their physical and moral courage is greatly depleted, as well as their physical constitutions. The bulk of them have been habituated either to lawlessness or to the exercise of violence in the name of the law for so long that if not actually impregnated with Bolshevism they are good material for Bolshevik propaganda.

"*Our restrictions on immigration should be so rigid that it would be impossible for most of these people to enter the United States. Reference is especially made to Armenians, Jews, Persians, and Russians of the ordinary classes, all of which have been so driven hither and thither since 1914 that they cannot be regarded as desirable populations for any country. There are, of course, many individual exceptions. [Italics supplied.]*

#### "MESOPOTAMIA

"*Bagdad.*—It is estimated that 5,000 Armenians and 20,000 Assyrians would proceed immediately to the United States but for the lack of funds and present restrictions. *Rigid restrictions are recommended in view of the fact that the present population of the United States is becoming too heterogeneous.*

"The prospects for 1921 are that there will be a small immigration from Belgium proper but an increased number of Poles and Czechoslovaks and other central Europeans passing through its ports practically all bound for the United States. *The severest kind of control should be exercised over these immigrants from central Europe as this type of immigrant is not desirable from any point of view at this time.*"

As part of his testimony during the hearings by the Senate Committee on Immigration, Sixty-sixth Congress, third session, 1921, Representative Johnson included additional State Department reports, allegedly transmitted to him by Wilbur Carr of the consular service. These reports also dwell on the so-called inferior "quality" of the new immigration, for example the report states with respect to emigrants from Italy, Netherlands, Poland, and Turkey as follows:

"ITALY

"A large proportion of aliens from this district going to the United States are inimical to the best interests of the American Government. This is not due to any Bolshevist or Communist tendency on their part, but to their standards of living and their characteristics, which render them unassimilable.

"Practically all the emigrants from this district are of the peasant class. For the most part they are small in stature and of a low order of intelligence \* \* \*.

"NETHERLANDS

"*Rotterdam.*—The great mass of aliens passing through Rotterdam at the present time are Russian Poles or Polish Jews of the usual ghetto type. Most of them are more or less directly frankly getting out of Poland to avoid war conditions. They are filthy, un-American, and often dangerous in their habits.

"POLAND

"*Warsaw.*—Concerning the general characteristics of aliens emigrating to the United States from Poland and the occupation and trade followed by them reports indicate such to be substantially as follows:

\* \* \* \* \*

"(e) At the moment 90 percent may be regarded as a low estimate of the proportion representing the Jewish race among emigrants to America from Poland.

"(f) The unassimilability of those classes politically is a fact too often proved in the past to bear any argument.

"TURKEY

"*Constantinople.*—The emigrants from this part of the world are exclusively raw laborers, waiters, and servants who are intellectually incapable of being dangerous." (Statement by Representative Johnson, hearings before Senate Committee on Immigration on H. R. 14461, p. 10, 66th Cong., 3d sess., 1921.)"

That the views of Chairman Johnson of the House Committee on Immigration were shared, at that time by his counterpart in the Senate, Senator Reed, chairman of the Senate Committee on Immigration and Naturalization, is shown by the following revealing statements made by the latter during the course of the Senate hearings on S. 4303, dealing with immigration of contract labor, Sixty-seventh Congress, fourth session, 1923.

"Senator REED of Pennsylvania. Mr. Emory, would it conflict with the success of your scheme [i. e., contract-labor scheme] to limit the nationalities with which these contracts might be made so, if possible, to get labor from those nations whose people assimilate better with Americans? (p. 21).

"Senator REED. Assume that the British quota will be exceeded this year, and that there will be a large number of British subjects turned away, cannot we make adjustment of the quota which will let them in, *without opening up the large number of those from the Mediterranean countries and others who do not assimilate?*" [italics supplied] (p. 21).

"It would not help the farmer, would it, to increase the population of Polish Jews on the east side of New York or increase the number of Greeks that came over and settle in our cities; you do not mean that kind of immigration, do you, Mr. Silver?" (p. 75).

Although the Quota Act of 1921 expired by its terms on June 30, 1922, it was extended for 2 years by the act of May 11, 1922.

During the entire time the law was in effect, there was continuous agitation to curtail immigration further, and considerable time was given by committees of both Houses of Congress to the discussion of legislation to be put into effect as its expiration.

During this period, Dr. Harry H. Laughlin, of the Carnegie Institute, was appointed eugenics agent by the House Committee on Immigration and Naturalization. On November 21, 1922, at the hearings by the committee, Laughlin issued his famous Analysis of America's Modern Melting Pot. This was supposed to be a study of the "occurrence of the degree of specific degeneracy within the nativity and racial groups of the United States so as to ascertain the effectiveness of the immigration laws and regulations in keeping out the legally excluded classes and a study of \* \* \* the effect of the present immigration situation and policy in reference to race conservation in the United States" (hearings, p. 730).

The study involved a computation of the so-called socially inadequate persons in all the custodial institutions in the country. These included lunatics, lepers, feeble minded, drunkards, epileptics, the deaf, the crippled, tubercular, and the dependent poor. These groups were analyzed and divided on the basis of nativity and racial origin. Laughlin then arrived at a ratio which he called a particular nationality's quota fulfillment. This was a figure reached by comparing the ratio a particular nationality group bore to the total population with the ratio that the social inadequates of that nationality group bore to the total number of social inadequates in the institutions of the country. A quota fulfillment of over 100 indicated that the ratio of social inadequates of a particular racial origin to the total number of social inadequates of all racial origins in institutions exceeded the ratio the persons of the particular racial origin in the United States bore to the total population of the United States.

With respect to insanity, Laughlin concluded: "Making all allowances for any possible shock or strain on personality due to immigration and the shifting of homes and social condition and the differential occupations and economic prosperity this high incidence shows that the immigrants of the present generation have a higher incidence of mental instability than was possessed by our foundation families."

Dr. Laughlin discussed the subject of immigrant crime as follows:

"The countries which run lowest in crime are those which have contributed most of the elementary foundation of the population of the United States—such as Great Britain, Scandinavia, Ireland, Germany, and the Netherlands. Northwestern Europe as a whole fulfilled her quota only 83.85 percent; Great Britain only 37.97 percent, Canada, a kindred country, 65.49 percent. Those immigrant groups that run high in crime are from the countries of southern and eastern Europe. This part of Europe as a whole, fulfilled her quota by 141.25 percent. Italy shows 218.49 percent; Spain 660 percent. *In fact the so-called old immigration or foundation stocks run relatively low in crime, whereas the new immigration from southern and eastern Europe runs relatively high in this type of social defect as we find it in custodial institutions of the United States \* \* \**" [Italics supplied.]

"The studies in crime covered the most degenerate and antisocial types of conduct. Because of the higher incidence of criminalistic conduct in this country shown by the new immigration compared to that shown by the present-day immigrants from the nations which supplied our foundation stocks, *it makes one wonder whether this lack of adjustment is due to differences in social training and ideals—the Southern European having been trained to one set of ideals and finds in America a new basis of conduct to govern him, while the Northern and Western European finds here the same requirements which he has been used to meeting in his country. Is this a difference in training or a biological difference in the natural reactions of the stocks? Is one more law-abiding than the other? If the difference is in the training and customary conduct, then we must either change our own ideals and legal standards or require a change on the part of immigrants. \* \* \** If, however, the failure to meet our requirements in reference to conduct, not involving crime is, in the cases found and reported statistically based upon fundamental hereditary differences, then the admission of such persons means the change of the ultimate inborn social capacities of the Americans of the future to the degree measured by the relative numbers by such persons who may become parents in this country" (hearings before the House Committee on Immigrations, p. 742, 67th Cong., 3d sess. (Nov. 21, 1922), serial 7c).

Dr. Laughlin appears to have answered the questions as to whether the new immigrants' allegedly higher crime rate was hereditary in the affirmative. He said:

"After making due allowance for the major factors which should be considered in the interpretation of these statistics, the logical conclusion is that the difference in institutional ratios by races and nativity groups found by these studies represent real differences in social values, which represent, in turn, real differences in the inborn values of the family stocks from which the immigrant springs" (Id. at pp. 752-755).

Dr. Laughlin's summary and conclusions were as follows:

"The outstanding conclusion is that making all logical allowances for environmental conditions which may be favorable to the immigrant, the *recent immigrants as a whole present a higher percentage of inborn socially inadequate qualities than do the older stocks*" (Id. at p. 755). [Italics supplied.]



Probably influenced by the Laughlin report, the House Committee on Immigration, in February 1924, favorably reported out a bill, H. R. 6540, which used the census of 1890 as the base and reduced the quota from its 1921 figure of 3 percent to 2 percent. The House report accompanying H. R. 6540 explained the reason for the change in these words:

"An impelling reason for the change is that its *desire to slow down the streams of the type of immigrants, which are not easily assimilated. Naturalization does not necessarily mean assimilation. The naturalization process cannot work well with the continued arrival in large numbers of the so-called new immigrants. The new type crowds in the larger cities. It is exploited, it gains but a slight knowledge of America and American situations, it has grown to be a great undigested mass of alien thought, alien sympathy, and alien purpose. It is a menace to the social, political, and economic life of the country. It creates alarm and apprehension \* \* \*.*" (Report No. 176, p. 3, 68th Cong., 1st sess., Feb. 9, 1924.) [Italics supplied.]

The minority report filed by Representative Sabath condemned the adoption of the 1890 census as a quota base. It stated:

"It is curious to note that taking the census of 1890 as a base, Germany would be comparatively in the most favorable position and Belgium, Bohemia (Czechoslovakia), Yugoslavia, Poland, and Russia with whom we were allied during the late conflict in the most unfavorable. The obvious purpose of this discrimination is the adoption of an unfounded anthropological theory that the nations which are unfavored are the progeny of fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical, ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudo-scientific purpose. It is pure fiction and the creation of a journalistic imagination \* \* \*. The majority report indicates that some of those who have come from various countries are nonassimilable or slow to assimilation. No facts are offered in support of such a statement. The preponderance of testimony adduced before the committee is to the contrary. What is meant by assimilation is difficult of definition."

Secretary Hughes wrote the House committee inter-alia that the 1890 census which had the effect of reducing immigrants from southern and eastern Europe from 44.6 to 15.3 percent of the total would be likely to offend Italy, Rumania, and other countries which considered the legislation "as an unjust discrimination, de facto if not de jure, enacted to the detriment of a friendly nation." Letters of protest from these countries were received (65 Congressional Record 5586, 68th Cong., 1st sess., 1924), and formed the basis of much debate in Congress, the gist of which consisted of protests against foreign dictation and exhortations to resist foreign influences. (Id. at pp. 6462, 6466.)

Secretary of State Hughes' letter was followed by an exchange of correspondence between him and the House Immigration and Naturalization Committee (hearings, pp. 1193-1227, 68th Cong., 1st and 2d sess., 1924), resulting in so many changes that a new bill was introduced in the House (H. R. 7995). As reported out of the House Immigration Committee, the bill provided a base quota for each nationality of 100 immigrants, plus an additional number to be determined on the basis of 2 percent of the foreign born of such nationality, resident in the United States as determined by the census of 1890. A majority of the House Committee on Immigration explaining the selection of 1890 as the base date stated:

"Since it is the axiom of political science that a government not imposed by external force is the visible expression of the ideals, standards, and social viewpoint of the people over which it rules, it is obvious that a change in the character or composition of the population must inevitably result in the evolution of a form of government consonant with the base upon which it rests. *If, therefore, the principles of individual liberty, guarded by a constitutional government created on this continent nearly a century and a half ago, is to endure, the basic strain of our population must be maintained and our economic standards preserved.*" [Italics supplied.]

"With the full recognition of the material progress which we owe to the races from southern and eastern Europe, *we are conscious that the continued arrival of great numbers tends to upset our balance of population, to depress our standard of living, and to unduly charge our institutions for the care of the socially inadequate.*" [Italics supplied.]

"If immigration from southern and eastern Europe may enter the United States on a basis of substantial equality with that admitted from the older sources of supply, it is clear that if any appreciable number of immigrants are

to be allowed to land upon our shores the *balance of racial preponderance must in time pass to those elements of the population, who reproduce more rapidly on a lower standard of living than those possessing other ideals.* [Italics supplied.]

"We owe impartial justice to all those who have established themselves in our midst. They are entitled to share in our prosperity. The contribution of their genius to the advancement of our national welfare is recognized. On the other hand, the American people do not concede the right of any foreign group in the United States or government abroad, to demand a participation in our possessions, tangible or intangible, or to dictate the character of our legislation.

"How can we frame a restrictive immigration law to meet these conditions?

"The adoption of the 1890 census will accomplish an equitable apportionment between the emigration originating in northwestern Europe and in southern and eastern Europe, respectively. This principle has been embodied in the bill presented by your committee. Late arrivals are in all fairness not entitled to special privilege over those who have arrived at an earlier date and thereby contributed more to the advancement of the Nation" (report to accompany H. R. 7995, pp. 13-14, 68th Cong., 1st sess., 1924).

A minority report was filed, vigorously protecting the discriminatory purpose of the bill in these words:

"The obvious purpose of this discrimination, however much it may now be disavowed, is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of the fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudo-scientific proposition. It is pure invention and the creation of a journalistic imagination. All we know is that these immigrants are all human beings and none of them is regarded by the majority of the committee as undesirable as long as they meet the test of the act of 1917. \* \* \*

"The majority report insinuates that some of those who have come from foreign countries are nonassimilable or slow of assimilation. No facts are offered in support of such a statement. The preponderance of testimony adduced before the committee is to the contrary. \* \* \*

"The majority report, in like manner, treats with scant courtesy the official communication addressed to our Department of State by the diplomatic representatives of Italy and Rumania. These courteous communications which asked that there be no discrimination in our legislation against nationals of these several governments are treated as an attempt on their part to interfere with Congress. Our own history is replete with examples where we protested against similar acts of discrimination against our nationals in other lands and our action received the enthusiastic support of the American people. These governments are in no way seeking to control our legislation. They are merely doing what any self-respecting nation would do under like circumstances. They are asking, in manner consonant with their dignity and ours, that we shall not discriminate against their nationals."

"The suggestion contained in the majority report, that the adoption of the 1890 census would accomplish an equitable apportionment between immigration originating in northern and western Europe and that emanating from southern and eastern Europe is based on a palpable injustice. \* \* \* It likewise ignores the important consideration that it has been our proud boast that hitherto we have not distinguished between men because of their race, creed, or nationality.

"We of the minority make no distinction between the various geographical divisions of Europe and entertain no prejudice against the various nationalities. We seek to judge men by their inherent worth and the manner in which they perform their duties of life." (H. Rept. 350, pt. 2, 68th Cong., 1st sess. (1924), pp. 4-7, 14-17).

Heated debate on the floor of the House followed the introduction of H. R. 7995, on the question of whether to adopt the 1890 census as provided therein, or to continue the use of the 1910 census, as provided in the 1921 quota act. At about the same time, the Senate began consideration of its own restrictive immigration bill, S. 2576, which, as amended, was later passed and substituted for the House bill and renamed H. R. 7995. (See 65th Congressional Record, 6644; 68th Cong., 1st sess., 1924.)

The Senate bill as originally reported out of committee, adopted the census of 1910 as its base. The debate in that chamber approximated the pattern of the House. In both, rabid xenophobia and attempts to demonstrate the inferiority or undesirability of the so-called new immigrants marked the speeches of almost all

proponents of the 1890 quota base. The major theme of these speakers was the alleged inability of the new immigrants to assimilate. (See, for example, 65 Congressional Record 5824, 5958, 6461, and 6465.) Advocates of this concept of nonassimilability constantly sought to point out that the new immigrants crowd into the cities forming alien colonies, making no attempt to learn English (Id. at pp. 5954-6461) or to become naturalized (see Id. at pp. 5824, 6541) and read foreign language newspapers which perpetuate alien customs and prejudices.

A typical comment was that of Representative Smith of Idaho:

"Alien colonies in the United States speaking foreign tongues, maintaining foreign community interests, reading only newspapers printed in their own language, are un-American and a menace to the Republic, and the fewer "foreignized aliens" we have in America, the better \* \* \*.

"In the minority report of the committee containing the views of Mr. Sabath and Mr. Dickstein, it is argued that this measure is discriminatory, in that it applies the principles of exclusion rather than discrimination. As far as possible, it is our national policy to maintain the United States for our native born and naturalized citizens and their descendants to the end that in so doing we are serving our own best interests. I am in favor of a further tightening of restrictive provisions looking to the exclusion of aliens from certain countries of southern Europe and the Orient." (65 Congressional Record 5698, 68th Cong., 1st sess., 1924.)

Attempts to demonstrate the inferiority of immigrants from southern and eastern Europe were frequent. Constant reference was made to the report of Dr. Laughlin quoted herein at page 12 to the effect that the new immigrants furnished more than their share of the socially inadequate. (See 65 Congressional Record 5647, 5648, 5679, 68th Cong., 1st sess., 1924.) At one point Representative Watkins, speaking on behalf of the Johnson bill inserted into the Record the complete text of Laughlin's analysis of the immigrants crime rate, in which Laughlin concluded, "The so-called old immigration from foundation stocks, run relatively low in crime, whereas the new immigration from southern and eastern Europe runs relatively high in this type of social defect as we find it in custodial institutions of the United States." (65 Congressional Record 5678-5679, 68th Cong., 1st sess., 1924.)

Much discussion of the alleged racial qualities of the new immigrants took place. The remarks of Representative Smith are representative of this type of debate.

"It is disclosed by those who have studied the situation that the universality of the habit of lying is something which impresses almost every traveler in the south of Europe. They lie in preference to telling the truth, even when there is no question of advantage. The American youth is trained from infancy to the belief that, whatever happens, the truth must be told. South of Europe people feel that if any important matter is at stake such as his own personal being or the name of the race, the truth is subsidiary and must be sacrificed to greater ends \* \* \* (Id. at 5699).

"These people show themselves to be masters of every trick and artifice. False affidavits, assumed names and plain lying are all used with the greatest effect. There is a little book published and distributed throughout southern Europe which contains full instructions as to the proper answers to make to the immigration authorities in order to best insure admission. \* \* \*

"They have no fundamental rules of hygiene and they do not know how or do not care to keep their rooms in decent condition. There is very little ventilation by day or by night. The food is often meager and lacking in nourishment. As a result of these conditions there is a great deal of disease particularly tuberculosis among these people. They carry the germs of this dreaded disease on their clothes, and people ignorant of the conditions under which the aliens live are laying themselves liable to the contraction of the same form of disease in coming into close proximity to them. (Id. at 5701.) Less than one-fourth of the aliens coming to this country become citizens, the general intention of eventually returning to their native land after acquiring a fortune has much to do with this. Those of southern Europe are proud of their allegiance to their rulers and are loath to give it up. (Id. at 5701.)

"If there is not a stringent restriction on Greek immigration to the United States, it is predicted by well known authorities that in five years the Greeks will have complete monopoly of our lines of profitable business with which people of other nationalities cannot successfully compete. (Id. at 5701.)

"Surgeons of the United States Public Health Service who have made examinations at our ports of entry, declare that the best class of immigrants from the

medical point of view come from northwest Europe, the poorer from the Mediterranean, east and west Asia, and that pronounced deterioration in the general physique of the immigrants has taken place in recent years. If that is so, even the requirement of a physical examination will bear more heavily upon the southern and western Europeans. \* \* \*” (Id. at 5703.)

Anti-Semitism, although not overtly expressed, was implicit in remarks such as those of Senator Heflin, who speaking in favor of restricting immigration and discussing the non-assimilability of the new immigrants said:

“I have a newspaper clipping in my pocket given me by a gentleman from Pennsylvania telling about the arrest of a Negro in New York in the subway, I believe by an Irish policeman, and he was astounded to hear that Negro speak in Yiddish. The Irishman spoke in Yiddish and they took the Negro to a judge who tried him in Yiddish and the story was that the Irishman had to adopt that language to hold his job in that section of the city.” (Id. at 6734.)

The debate displayed a general preoccupation with race and blood. A sense of Nordic, Anglo-Saxon superiority masqueraded as an unusual solicitude for American democratic traditions and institutions. According to proponents of the 1890 census these traditions could only be preserved by persons of the same stocks that originally created them. These points of view were well expressed in the remarks of Representatives Young, Michener and Gilbert.

“It is interesting also to trace the various settlements in the United States from the racial standpoint. The first settlements in the East at Jamestown and Plymouth Rock were from Great Britain, and for a considerable time thereafter the predominating immigration was from England. Then came additions from Holland, Sweden and Germany. About the middle of the nineteenth century there was a decided increase of immigration *happily of Teutonic or Celtic blood*. Large numbers came from Celtic Ireland, and later in the eighties and nineties there was a great influx from Norway, Sweden, Denmark and Germany. These immigrants of Teutonic and Celtic blood were readily assimilated. They did not change American character, because they came from stocks which were largely Teutonic and Celtic. *It is plain that American institutions are safe so long as immigrants come here who are substantially of the same blood as those races which came here during colonial days and up to three decades ago.* [Italics supplied.]

“But what about assimilating people of other bloods, such as Slavs, Greeks, Assyrians and Armenians? There are doubtless very good people among these, but if people of excitable or revolutionary types are admitted without limit, what will the influence be upon American character, and American institutions, say in 50 or 100 years or 300 years. We owe so much to the generations which have gone before, we should if we are patriotic, have serious thought for the generations in America which will follow us. (Young, 65 Congressional Record, 6154.)

“I have no prejudice against the peoples from southern Europe. We remember the splendor and glory of ancient Rome; we know of Greek culture of the past; at the same time we cannot forget that the early pioneers to our shores, the men and the women who sought America for the express purpose of building for themselves houses where they could be free, where they could prosper did not come from southern Europe. The early pioneers \* \* \* were men and women from northern Europe \* \* \*

*“It is true that under the Johnson bill the quota from northern Europe will be larger than the quota from southern Europe and this is as I believe it should be. The Nordic people laid the foundation of society in America. \* \* \**

“In the early days of the Republic we were in a way a one people—Anglo-Saxon—today we are a collection of racial groups, no one of which outnumbers all the others, and our supreme task is to weld together these several people into one group with a single national consciousness distinctly American. During the last few years assimilation has not kept pace with immigration, we are suffering from national indigestion, and must now prescribe a reasonable diet.” (Michener, 65 Congressional Record 5909.)

“About 50 percent of our population are descendants of the original Revolutionary stock and another 30 percent are closely related to this original stock by nationality, tradition, and ideas of government, and this 30 percent came from the Nordic races of northern and western Europe the same as most of the colonial settlers, and these two groups accommodate themselves to similar customs, manners, and ideas very easily and are therefore the reason for favoring the quotas under the Johnson bill on the census of 1890.” (Gilbert id. at 6263.)

*The national origins quota system*

During the debate on the question of whether to adopt the 1890 or the 1910 census as a basis for the percentage quota immigration system the national origins quota plan was introduced as an amendment to both the House and the Senate bills. This system was to be based not on the number of foreign-born residents in a country in a given year but on the "national origins" of the people comprising the population of the United States in 1920. Each nationality under this system was to receive a quota which would bear the same ratio to the total permissible yearly immigration as persons of those national origins bore to the total population in the United States in 1920.

Representative Rogers who introduced the national origins amendment in the House (see 65 Congressional Record 6110-6111, 68th Cong. 1st sess., 1924) attributed the idea to Senator Reed of Pennsylvania. In suggesting the national origins proposal Rogers stated at page 5847:

"Gentlemen, I am a restrictionist. I am not trying to trick you by proposing an unworkable or fantastic substitute in the hope of defeating this bill. I am a sincere and practicing restrictionist of immigration. I have voted for the literacy test and for every restrictive measure that has come before the House in the last 6 or 7 years. I believe in a very limited and carefully selected immigration. I am not proposing this plan as a fraud on the Nation \* \* \*." (65 Congressional Record 5847, 68th Cong., 1st sess., 1924.)

Later on he elaborated on the basic philosophy of the national origins bill as follows:

"My objection both to the committee proposal carried in section 10 and to the minority proposal advanced as a substitute for section 10, as well as to the proposal advanced by the gentleman from New York [Mr. Jacobstein], yesterday on the chart which was furnished us all, is that they all base quotas on foreign-born in the United States and upon no one else. There are about 80,000,000 American-born in the United States, as I recall, and about 20,000,000 or 25,000,000 foreign-born. Why in the world in a matter of this moment we should establish our immigration policy upon the basis of the foreign-born alone I cannot for the life of me understand. I am not suggesting that we should not, with propriety, consider the foreign-born here as one element in determining the quotas. I do mean to insist that we are entitled to consider those of us who were born here as another element in determining the quotas. But no plan except the "national origins" plan recognizes this elementary point. I do not know how many men of foreign birth there are in this House. However, many there are, I am sure they are as patriotic and efficient citizens as those of us who are American born, but no more so. Let us assume there are 10 men of foreign birth in this House. Is there any reason that occurs to any man here why the other 425 of us should be excluded altogether in making up a quota? Why the quotas of immigration and why those born here in this country should be superciliously disregarded is altogether beyond me. I simply cannot understand the reasoning."

Continuing, Representative Rogers stated:

"The national origins plan vaults completely over the controversy as to whether the admission quota should be based on the census of 1890 or on that of 1910 and lands upon broader grounds where larger considerations come into play. My plan, based on the foreign-born population as disclosed by any census, is indefensible. The same argument must be urged against the proposal that we take all four of the most recent censuses, average the foreign-born, and base the quota upon the average. The general principle is fallacious. It is certainly an attractive proposition that we should instead proportion our admission of immigrants, not to the numbers of racial or national representatives composing the alien colonies or foreign groups now in the country but to the quantities of the various racial and national elements which have passed the refining test of the melting pot and have become amalgamated in the structure of the American Nation." (Id. at 6226.)

There was little debate on the proposed national origins amendment. Nevertheless it was defeated in the House.

Senator Reed, chairman of the Senate Committee on Immigration, introduced the national origins amendment formally in the Senate (see 65 Congressional Record 6316, 68th Cong., 1st sess., 1924). Reed stated on the floor that he thought the 1921 quota law discriminatory since it discriminated against American-born and against the nations of northwest Europe (see *Id.* at 5648).

In the course of explaining the national origins amendment Reed continually denied any desire to discriminate. At page 5468 of 65 Congressional Record he discussed the national origins system in these words:

"What I want to do is not to discriminate against the Italians, not to discriminate against the Russians or the Poles, and I cannot say that too often; but what I want is to end the discrimination against the American born, and I want to end the discrimination against the nations of northwest Europe. \* \* \*

"It is evident to the Senate as it is to me, that our quotas ought to roughly correspond with the national origin of our whole population. We can afford to be generous about it and include foreign-born who are not citizens of the United States. Let us take everybody who at the time of the last census lived in this area we call the United States, whether he was born here or born somewhere else, or whether he is a citizen or an alien. Let us take, and treat us as a group of human beings each of whom is entitled to be reflected in the quotas we establish. If we do that then our quotas must necessarily resemble this apportionment of the whole population in 1920, disregarding as they themselves would wish to be disregarded the Negro population of the country, because they do not want and we do not want to allow great immigration from African sources. \* \* \* three methods have been suggested for attaining the result of dividing the quota according to our whole population and its origins. \* \* \*

"But there is then even a better way it seems to me of getting at it, and that is to determine for ourselves here in Congress what is the aggregate amount of immigration we want to come in. Suppose we fix it at 300,000. Then let us say that the 300,000 shall be divided up exactly in accordance with the national origins of our population."

However, Reed also inserted as a part of his remarks concerning the national origins quota system a report by John B. Trevor<sup>2</sup> entitled "The Immigration Problem" which followed almost verbatim the House report accompanying H. R. 7995 (*see pp. 15-16, supra*), and a speech by Henry A. Curran,<sup>2</sup> Commissioner of Immigration at Ellis Island before the Economic Club, March 25, 1924. In that speech (65 Congressional Record 5475, 68th Cong., 1st sess., 1924) Mr. Curran had stated:

"The third outstanding feature of the law will center about the question of whether we shall take more immigrants from northwestern Europe and fewer from Southern and Eastern Europe, or vice versa. As to this there is a hot fight on. The present quotas are based on the number of foreign-born in the United States according to the census of 1910. The Senate committee proposes to continue the 1910 basis, while the House committee takes for its basis the number of foreign-born who were here in 1890. If the Senate committee's proposal is adopted, the immigrants from Russia, Poland, the Balkans, and the Mediterranean countries will form just as big a part of a year's immigration as they do now, whereas if the House committee's proposal becomes law there will be a smaller proportion from those parts of Europe and a greater proportion from northwestern Europe and the British Isles. The natives of the southern and eastern countries of Europe charge that assenting to the 1890 measure will work a discrimination against them, and they have put forth a very powerful propaganda to that effect. We have not heard very much from the natives of the northwest of Europe and the British Isles.

"For my own part I do not see why—whichever year we use—we should measure the immigrants wholly by the foreign-born in America. Why not pay some attention to the American-born in America. Have you who are American-born no say in this thing? Must we always measure the future of our own country by the number of foreigners who are here? Is it true that the United States is already a collection of foreign colonies rather than a nation of native Americans?

"\* \* \* We have got to be united and homogeneous unless we want to crumble and go down under the old adage "United we stand—divided we fall." We have too much in American of foreign points of view, foreign loves, foreign hates, foreign newspapers, foreign colonies and foreign propaganda \* \* \*.

*"The Irish, Scotch, and English are buncoed, the Germans are rooked, and the Norwegians and Swedes are trimmed out of their fair share of the annual immigration to the United States and this pilfering reacts directly to the unearned profit of the immigration from Russia, Poland, and Italy, if you take 1910 as a*

<sup>2</sup> According to Who's Who in America, 1945 edition. Trevor is an attorney who served as associate counsel for subcommittee of the Senate Committee on Foreign Affairs, as chairman of the board of American Coalition of Patriotic Societies, 1927-33, was active in the movement to restrict immigration, and was a member of the board of directors of the Eugenics Research Association. Curran has served as borough president of Manhattan, 1920-21; deputy mayor, 1938-39; and chief magistrate. Since 1945 he has been a justice of the Court of Special Sessions in New York City.

*basis. The discrimination favors roughly the Russians, Poles, and Italians, although it is from those quarters that all the shouting comes. When the truth is told the shoe is on the other foot.*

*"Of course there are those who contend that the southern and the eastern European immigration is superior to that of northwestern Europe and the British Isles. The answer is that it is not. For just one last case in point: A ship came in from Sweden last summer with about 1,000 Swedish immigrants aboard, and out of the whole thousand we had to detain only two \* \* \* In that week a ship came in from the Mediterranean with about 1,000 immigrants aboard, of whom we had to detain 500. Half of that shipload was apparently unfit for admission. Scores of them had to be deported. These two ships tell the story from the practical point of view of Ellis Island" (id. at 5476). [Italics supplied.]*

The remarks of Trevor and Curran inserted by the author of the national origins clause effectively give the lie to Reed's disavowal of the discriminatory intent implicit in his national origins plan. Both men's remarks reveal a conviction that immigrants from Southern and Eastern Europe were inferior and unfit for admission. Similarly revealing was a colloquy between Curran and Reed held during the hearings before the Committee on Immigration of the United States Senate on restrictive immigration bills. At page 30 of the hearings Curran stated:

*"I have always thought that the census of 1890 was much nearer to measuring stock reflection than the census of 1910. I am perfectly sure of that. The census of 1910 measures only a very recent immigration and either of these two censuses measure the foreign-born. It seems to me that the test of the kind of immigration we want to make us homogeneous and less disunited is the role of the American-born \* \* \* but to say that 1890 is discrimination, it might just as well be said that 1910 is a discrimination against 70 or 75 percent of the American people if you are interested in national stocks."*

In reply Senator Reed countered:

*"Mr. Curran, I think most of us are reconciled to the idea of discrimination. I think the American people want us to discriminate; and I don't think discrimination in itself is unfair, because our duty is to the American people and we owe no duty to be fair to all nationals. If that is so we would have to repeal our Chinese exclusion law. We have got to discriminate. The only question that I think worries the committee is whether the use of the 1890 census or the use of the method based on naturalization is the more plausible method of attaining that discrimination which is the object we are all seeking. If you will look at the table on page 37 of my proposition [national origins], here you will see that the figures that my bill will result in are almost identical with the result you would get if you took 5 percent of 1890. The question we are tackling is which is the more plausible, the more reasonable, and more defensible method of attaining that end. Practically all of us are agreed that that is an end that should be attained." [Italics supplied.]*

Other Senators also viewed the national origins amendment as achieving the same discriminatory result as the adoption of the 1890 census. The remarks of Senator George in the Senate on April 16, 1924, are typical. He stated:

*"I don't take his [Senator Reed's] amendment nor the census of 1890 upon any reason other than this: Both the census of 1890 and the amendment offered by the Senator from Pennsylvania seem to me to admit the largest number of assimilable, wholly assimilable, easily assimilable races into the United States and to exclude those races or the people from those nations that are with most difficulty absorbed into our life without injury to us" (65 Congressional Record 6467).*

The national origins amendment was passed by a voice vote in the Senate (65 Congressional Record 6472, 68th Cong., 1st sess., 1924) after almost no debate, and the entire Senate bill S. 2576, as amended, was thereupon passed and substituted for H. R. 7995 (see id. at 6644). Section 8 (b) of the substituted bill provided for a nationality quota of 2 percent of the foreign-born of that nationality in the United States in 1890 up until 1927, at which time the national origins formula based on a yearly immigration total of 150,000 would take effect.

The House and Senate bills thereupon went to conference. The Senate conferees were David H. Reed, Henry W. Keyes, and William J. Harris. The conferees from the House were Albert Johnson, sponsor of the 1890 quota bill and chairman of the House Committee on Immigration; William Vaile, Bird J. Vincent, and John E. Raker. The bill as recommended by the conferees rejected the House 1890 quota formula and recommended the adoption of the Senate

national origins version. There was no elucidation in the statement of the House conferees which accompanied the conference report H. R. 688 as to why they abandoned the 1890 House formula in favor of the Senate's version. It may be surmised, however, that the House conferees were impressed by Senator Reed's argument that the national origins provision would achieve the same results as the 1890 quota.

The House did not accept the conference report because it thought a certain provision of the conference bill might interfere with their desire to eliminate Japanese immigration completely (65 Congressional Record, S248-S249, S279, 68th Cong., 1st sess., 1924). They, therefore, recommitted the bill to the conference committee (Id. at S249). There was little or no discussion at that time, of the House conferees' adoption of the Senate national origins provisions. After recommittal, the bill was again reported out of conference with the national origins formula still intact. (See 65 Congressional Record 8627, 68th Cong., 1st sess., 1924.) After a period of debate almost none of which was devoted to the national origins formula H. R. 7995 was passed by both Houses (Id. at S652, S859).

### *Conclusion*

Perhaps the most significant fact about the legislative history of the national origins quota system is the scant consideration and little debate which marked its passage. This was in marked contrast to the extensive amount of time and discussion which was spent on the consideration of the various base year quota formulas. The comparative absence of openly racist and discriminatory remarks concerning the national origins formula when considered in the context of the total legislative picture at the time of its passage does not indicate an absence of discriminatory intent on the part of the legislators who enacted it. All the discriminatory and frankly racist remarks quoted herein at pages 17-20 which expressed the feelings of the House and Senate on the 1890 bill were equally expressive of their sentiments and intents with respect to the national origins quota system. The Senators and Congressmen who voted for the national origins formula were aware of the discrimination against various nationalities implicit in the formula. And they intended such discrimination. This is shown by the following facts: (1) The Congressional Record is replete with tables comparing the various nationality quotas under the national origins formula and the 1890 and 1910 based quota formulas. These tables show generally that the number of each nationality admissible under a quota system based on the 1890 census closely approximated those made admissible by national origins formula (E. G. Id. at 6758, 6317). By and large, the two systems achieved the same result. This was confirmed by spokesmen for the national origins formula including its sponsor, Senator Reed. (See p. 25, supra.) (2) The vote in both Houses on the national origin formula was almost identical with that on the question of whether to use the discriminatory 1890 census as a base. Of the 71 persons who voted "No" on use of the 1890 census only five voted "Yes" on national origins provision. (See 65 Congressional Record 6257, S652, 68th Cong.) Thus it can be seen that only five Congressmen thought the bill as passed containing the national origins provision was better than the 1890 census. Albert Johnson, sponsor of the 1890 formula, was among the conferees who agreed to the adoption of the Senate "national origins provisions," and shepherded the conference bill to passage in the House.

All these factors indicate, as Senator Reed pointed out, that the national origins provision was designed to reach and did reach the same ends as the 1890 quota. In Senator Reed's view, the national origins formula merely provided a more publicly defensible method of discriminating than did the 1890 formula. The American people are not, however, to be so easily deceived. Closer examination of the background and effect of the national origins system disclose it to be hardly less offensive or more defensible. The fact of discrimination is not to be so easily cloaked by mere change in the trappings of the law. The racism of the national origins system stands as a continuing affront to democratic peoples throughout the world. Its deleterious effect upon our morale and our prestige will not be overcome until we repudiate its underlying principles and enact, instead, an immigration law affirming our belief in the equality of all men.

Respectfully submitted.

October 29, 1952.

WILL MASLOW,  
*General Counsel, American Jewish Congress.*

Of Counsel, Lois Waldman.



STATEMENTS SUBMITTED BY EDNA C. CURTIS, BROOKLYN, N. Y.; FLORENCE J. CASANOVA, BROOKLYN, N. Y.; EVA BACON, BROOKLYN, N. Y.; JANET R. RHODES, VALLEY STREAM, LONG ISLAND, N. Y.; MRS. EDNA C. HARRIS, BROOKLYN, N. Y.; FLORENCE I. LUDERMAN, BROOKLYN, N. Y.; KATHRYN E. HASKINS, BROOKLYN, N. Y.; GENEVIEVE CUMNER, BROOKLYN, N. Y.; VIOLA A. WORTMAN, BROOKLYN, N. Y.

(The following was submitted by each of the above:)

My name is ----- and my address is -----  
 I wish to testify in support of the immigration laws of the United States as a citizen of this country. I am not a technician in this field, but I believe in majority rule, and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work, and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

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STATEMENT SUBMITTED BY MRS. ELAINE HERNE, BROOKLYN, N. Y.

385 CLINTON AVENUE, BROOKLYN 38, N. Y.,  
 November 8, 1952.

Mr. HARRY N. ROSENFELD,  
*President Committee on Immigration,*  
*Washington, D. C.*

DEAR MR. ROSENFELD: As an American voter, I wish to testify in support of the immigration laws of the United States. I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1.

I think we should give this law a chance to work. It was enacted after a 4-year study of the problem by Congress. If anything is wrong with it a fair period of its operation will bring out its defects.

I hope Congress will not be misled by the minority opponents of the law as it represents the will of the majority of the citizens of the United States.

Labor cannot absorb tremendous numbers. Even the present unemployment compensation is a strain.

Respectfully yours,

(Signed) (Mrs.) ELAINE HERNE.

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STATEMENT SUBMITTED BY MRS. MAUDE RAWLINS, BROOKLYN, N. Y.

385 CLINTON AVENUE, BROOKLYN 38, N. Y.  
 November 8, 1952.

Mr. HARRY N. ROSENFELD,  
*President Committee on Immigration,*  
*Washington, D. C.*

DEAR MR. ROSENFELD: As an American voter, I wish to testify in support of the immigration laws of the United States. I believe in majority rule and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1.

I think we should give this law a chance to work. It was enacted after a 4-year study of the problem by Congress. If anything is wrong with it a fair period of its operation will bring out its defects.

I hope Congress will not be misled by the minority opponents of the law as it represents the will of the majority of the citizens of the United States.

Labor cannot absorb tremendous numbers. Even the present unemployment compensation is a strain.

Respectfully yours,

(Signed) (Mrs.) MAUDE RAWLINS.

STATEMENT SUBMITTED BY MRS. BETSEY BUELL BRADISH,  
BROOKLYN, N. Y.

35 STEPHENS COURT, BROOKLYN 26, N. Y.,  
November 10, 1952.

Mr. HARRY N. ROSENFELD,  
*President, Commission on Immigration,*  
Washington, D. C.

DEAR SIR: This letter is to testify to my support of the immigration laws of the United States, as a citizen of this country. As a citizen it is my urgent desire that the McCarran bill may be given a trial as it now stands, as it represents the will of the majority of our people.

Respectfully,

(Signed) (Mrs. H. W.) BETSEY BUELL BRADISH.

STATEMENT SUBMITTED BY MRS. CHARLES N. LANE, BROOKLYN, N. Y.

896 STERLING PLACE, BROOKLYN, N. Y.,  
November 13, 1952.

Mr. HARRY N. ROSENFELD,  
*Executive Director, Commission on Immigration,*  
Washington, D. C.:

As a citizen of this country I wish to testify against this Commission and in support of the immigration laws of the United States. The act passed by Congress (McCarran-Walter Act) over the President's veto should be given a chance to work, especially as there is, I understand, a provision for amendment within the bill itself.

Sincerely yours,

(Signed) INA L. C. LANE.

STATEMENT SUBMITTED BY LUCY H. GUARDENIER, BROOKLYN, N. Y.

1195 UNION STREET, BROOKLYN 12, N. Y.,  
November 13, 1952.

Mr. HARRY N. ROSENFELD,  
*President's Commission on Immigration, Washington, D. C.*

DEAR SIR: My name is (Miss) Lucy H. Guardenier, and my address is 1195 Union Street, Brooklyn 25, New York.

I wish to testify in support of the immigration laws of the United States as a citizen of this country who is proud to state that she is a DAR.

I am not a technician in this field, but I believe in majority rule, and I trust the judgment of Congress which passed the Immigration and Nationality Act over the veto of the President by a majority of more than 2 to 1. I think we should give this law a chance to work and that we should not forget that this law was enacted after a 4-year study of the problem by Congress during which time everyone who wanted to testify was heard. If there is anything wrong with this law, notwithstanding the fact that it was supported by all of the experts in the Department of State and the Department of Justice, a fair period of its operation will bring out its defects. I hope Congress will not be misled by the minority opponents of the law, as it represents the will of the majority of our people.

This Commission is supposed to make its final report on January 1, 1952. The McCarran-Walter bill does not go into effect until December 24, 1952. How can a commission report on a law that has only been in effect for 6 days?

My opinion is not only that of a citizen but also of a DAR and of a retired New York City teacher.

Respectfully yours,

(Signed) (Miss) LUCY H. GUARDENIER.



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